

1
2 5-YEAR OCS OIL AND GAS
3 PROPOSED LEASING PROGRAM
4 FOR 2007-2012
5 Point Hope, Alaska
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10 NORTH SLOPE BOROUGH PUBLIC HEARING/MEETING
11 for the Draft Environmental Impact Statement

12 Taken November 16, 2006

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14 Volume I - Pages 1 - 127
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1 I-N-D-E-X

2 Minerals Management Service:

3 Cleveland Cowles, Regional Supervisor

4 James Bennett, Chief of Environmental Assessments

5 Albert Arros, Community Liaison

6 Michael Salyer, Wildlife Biologist, EIS Coordinator

7 Peter Johnson, Geophysicist, Resource Evaluation

8

9

10 Reported by Britney Chonka, CR

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12 PUBLIC COMMENTS

Page 3

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1 MR. COWLES: Well, good evening everyone, and
2 thank you for coming. My name is Cleve Cowles. And
3 I'm with the Minerals Management Service office in
4 Anchorage, the Department of the Interior Bureau,
5 your federal agency. And tonight we have a meeting.
6 On your handout on the title of the meeting, it's
7 about the new five-year OCS oil and gas proposed
8 leasing program, 2007, 2012. And the proposed Lease
9 Sale 193 in the Chukchi Sea.

10 Before we start the meeting, Lillian has been so
11 gracious as to offer to do a blessing. So, Lillian,
12 if you could lead us in a blessing tonight. Thank
13 you very much.

14 (Prayer was said in Inupiaq)

15 MR. COWLES: Thank you very much.

16 Again, as our purpose for our meeting is here on
17 the first panel, I would like to introduce to you
18 some people who are with us tonight to help on the,
19 explaining some of the material in the handout.

20 To my left here is Mr. Jim Bennett, he is from
21 the Minerals Management Service, Washington office.
22 He is the chief of the Branch of Environmental
23 Assessment.

24 Mr. Mike Salyer is with the Anchorage office
25 MMS. He works in the environmental section and is

1 the EIS coordinator for the Chukchi Sea lease sale.

2 Mr. Peter Johnson is with the resource
3 evaluation section office in Anchorage. His office
4 is involved with estimating the oil and gas
5 resources that may be available on the outer
6 continental shelf.

7 Mr. Al Barros in the back of the room is our
8 community liaison specialist. And I'm sure he would
9 want me to say that if you haven't signed in, please
10 do. There's handouts there. And we, again,
11 appreciate you coming.

12 We also have Britney Chonka, who is here to
13 serve as a transcriptionist to keep an accurate
14 record of the discussions and your testimony, your
15 comments, as we move forward.

16 Since we have several things to discuss, what we
17 thought -- and we certainly appreciate your
18 thoughts -- as we best would -- that we could go
19 over briefly, probably take 20 minutes to 25 minutes
20 or so -- oh, Arnold Brower.

21 Before I forget, we also have a translator. So
22 if you can't follow all the things I say, and you
23 would like a translation, Arnold Brower Jr. will
24 help us with translation tonight. And sorry I
25 forgot to mention that.

1 So am I okay up to this point?

2 MR. BROWER, JR.: Let me tell these folks about
3 what you just said.

4 (Interpreter translating.)

5 MR. COWLES: Also, I would like to give a
6 special thanks to Mrs. Maggie Ahmaogak, who is the
7 executive director of AWC. And I thought I saw
8 George here a little while ago. Oh. Okay.
9 Former mayor. So thank you for coming.

10 Is there anything else that I might introduce?
11 Arnold?

12 MR. BROWER, JR.: Yeah, George Edwardson, Aiken,
13 Gordon Brower, (inaudible).

14 If I didn't call your name, it's because it's on
15 purpose.

16 MR. COWLES. Okay. Well, thank you.

17 MS. ROCK: Elijah and Dorcas Rock here from
18 Point Hope.

19 MR. COWLES: I met Dorcas last night. Thank you
20 again for coming.

21 Okay. As we -- I'm going to talk for a couple
22 minutes and then Mr. Bennett and Mr. Salyer will
23 help me. And I am going to cover three of the first
24 panels in your handout fairly quickly here.

25 The first part of our program is about the

1 upcoming 2007 to 2012 five-year program. And the
2 program areas that are being considered for Alaska,
3 as a proposed program are shown in blue on that
4 first map and also over here. And they are Cook
5 Inlet in the Southcentral, North Aleutian Basin,
6 Chukchi Sea and Beaufort Sea areas.

7 And on the second panel, second page, the first
8 panel, again, what we're seeking here are comments
9 on this five-year OCS program and Sale 193, which,
10 Mike Salyer will talk about after Mr. Bennett has
11 talked about the five-year program.

12 On the bottom of the second page is a bar chart.
13 And we put this first so that you get a feel for the
14 big picture how the MMS, Department of the Interior
15 process for evaluating and proposing lease sales
16 works.

17 And the first place, to start on in explaining
18 this thing is that it's a nationwide program. And
19 because energy demand, the demand for energy in the
20 United States is increasing and our production,
21 domestic production is not keeping pace, the
22 Department of the Interior has the mission to
23 consider the resources on the federal Outer
24 Continental Shelf for providing opportunity to our
25 industry to explore and develop, if oil and gas is

1 found.

2 And so this whole chart shows how we move
3 through a process of deciding things like this
4 proposed program and more refined discussion or
5 analysis of potential lease sales and how we also
6 get public input and comment and suggestions for how
7 to do it and bring in as much involvement as
8 possible so that we have the best information that
9 we can bring in to make this process work well.
10 And, Arnold, should I break for you?

11 MR. BROWER, JR.: Thank you very much.

12 (Interpreter translating.)

13 MR. COWLES: Thank you.

14 Briefly on this process, there are schedules or
15 time steps that we work through and attempt to
16 follow a schedule, particularly for the first two
17 rows. The first row is the proposed program, which
18 is part of what we're talking about tonight. The
19 second row is the process that is followed under the
20 National Environmental Policy Act to do an
21 environmental impact statement related to -- and the
22 decision, related to a particular lease sale, such
23 as Sale 193.

24 The first row takes about two years and the
25 second row is two, two-and-a-half years of

1 government process and involvement, your involvement
2 to provide comments. And there may be parts along
3 the way where the Department of the Interior will
4 decide to maybe take a breather. So just because
5 the steps are there doesn't mean we always complete.

6 That's the part that the Department of the
7 Interior and MMS have some control over, as far as
8 timing. But after there is a lease sale, the last
9 block of the second row, then industry is awarded a
10 lease, if they have a bid. And it's up to them when
11 to start the next row. Because they have a business
12 decision as to whether or not they will explore any
13 particular lease.

14 And it's up to them, they have a period of time
15 in their lease that they submit a plan. And when
16 they do, we then will go through another review
17 process to help evaluate this and get more and more
18 focused on some of the issues and the decisions.
19 And so that third row can take from six months to a
20 year.

21 Then if there is commercially viable oil and gas
22 or oil or gas discovered, industry might come back
23 with a development plan. And that, again, is
24 another period of time that will transpire. The
25 whole thing, to get to production, can't say for

1 sure how long it takes. It could take anywhere from
2 eight-and-a-half, ten-and-a-half, twelve-and-a-half
3 years, probably, because of all the input phases and
4 all the analyses and environmental reviews. So it
5 takes a long time.

6 And the other thing about it is, is that, even
7 though you have these large program areas, it's
8 pretty likely that the amount of OCS that is
9 explored for development will be less than that.

10 It will, for example, the last Beaufort sale a
11 couple years ago, I think we talked about 195, was
12 roughly six percent of the area offered was leased
13 by the industry. And then some fraction of that
14 will probably be explored. Of course, if there is a
15 discovery, then industry might want to explore more.

16 But anyway, I think that was what I wanted to
17 explain about our process. And now Mr. Bennett will
18 talk more about the five-year program and where we
19 are in that process.

20 MR. BENNETT: Thanks, Cleve.

21 (Interpreter translating).

22 MR. COWLES: Yes, sir?

23 MR. OLEMAUN: This is a five-year plan, and
24 they're saying leasing encouraging development,
25 five-year plan up to development or five-year plan

1 with just exploration?

2 MR. COWLES: Times I was talking about in this
3 chart run through the point where you would start to
4 see oil and gas production, if there were
5 discoveries.

6 MR. OLEMAUN: Okay. Within the five years?

7 MR. COWLES: No. With -- the five-year program
8 will -- it has some lease sales in it, which Jim
9 will talk about.

10 And then if leases are issued later on in that
11 five-year program, then the activities could go past
12 that five years.

13 MR. EDWARDSON: Excuse me, I got a question
14 there. Okay. When you talk about -- right now
15 we're talking about just what you're proposing to
16 do. Exploration hasn't started. This is just a
17 beginning talk?

18 MR. COWLES: For the new five-year program 2007,
19 2012.

20 MR. EDWARDSON: Then why are the industry out
21 there doing seismic already? When you do seismic,
22 oil development process has started. It's not in
23 the talking stage. They're out there with more than
24 the one ship doing the seismic.
25 Seismic is a first step into production.

1 MR. COWLES: The work that they're doing, I
2 believe, is actually in relation to the Chukchi Sea
3 Sale 193, which was started under our previous
4 five-year program. And their processes are a little
5 bit different in terms of the permitting for
6 geophysical than the lease sale process, which is
7 what we're talking about in this proposed program.
8 I agree, it's associated with that, but again, the
9 second part of our presentation on -- on the Chukchi
10 Sea sale, I think, is what that activity is related
11 to.

12 So what we want to talk about tonight was
13 2007-2012 and Sale 193.

14 MR. EDWARDSON: But you understand what I was
15 saying that it has started?

16 MR. BENNETT: They're collecting information in
17 anticipation.

18 MS. AHMAOGAK: I think. I tend to want to
19 elaborate on his question that's what AWC has had
20 some concerns for Point Lay, I mean Point Lay,
21 Wainwright and Point Hope came out with that very
22 question that George Edwardson just raised, why the
23 industry was given permits before a lease sale had
24 happened.

25 And some of the -- a lot of unknowns because MMS

1 did not have the adequate monitoring studies that we
2 had wanted to have some questions answered and a lot
3 of unknowns being out there. And now seismic
4 operation and activities, and that's overwhelming,
5 three ships going at each other out there. And --
6 and here we're, have AEWC for our villages that are
7 in that area trying to iron out a lot of problems.
8 And I'm sure that MMS has always tried to come up
9 with answers that are never satisfactory for a lot
10 of us. And I don't think I like the idea of MMS not
11 adequately answering our people's questions when
12 asked by them.

13 MR. COWLES: Okay. Again, we will attempt to
14 answer the questions as best we can. Mr. Johnson is
15 the part of our group that deals with the
16 geophysical exploration.

17 So perhaps could you expand on what I said,
18 Peter.

19 (Interpreter translating.)

20 MR. JOHNSON: Yes. My understanding is that
21 seismic testing can be independent of a lease sale.
22 In other words, it's not tied directly to a specific
23 lease sale all the time. In the Beaufort there has
24 been a lot of seismic testing in the past that was
25 done prior to lease sales, surveys they would then

1 sell to other companies later on. So, I don't think
2 we're in the same specific time frame that you see
3 in the lease sale.

4 MR. EDWARDSON: On that comment that you made --
5 my name's George Edwardson again. On that comment
6 you made, if they found something then it would be,
7 but if they didn't find anything at all, the ocean
8 was dry of oil, would your comment be true?

9 MR. JOHNSON: Yeah, I guess I don't imply that
10 it's not related to leasing. Obviously it is
11 related to leasing, but it's not necessarily related
12 to a specific lease sale or even a specific
13 five-year plan. So yeah, obviously they're looking
14 for oil by doing seismic testing. And they would do
15 that -- I -- I guess you could say they would do
16 that when they have some anticipation that that land
17 might be leasable in the future.

18 MR. BROWER III: Thomas Brower, resident of
19 Barrow. Would it be appropriate for -- to prior to
20 this five-year program that's coming up previous
21 from your program, 2002-2007, if all information
22 that's gathered by MMS that is being researched out
23 there on marine mammals, migratory birds and all
24 this, would that be information that is missing
25 prior to this new five-year program that's coming

1 up? Because there are, at least, from the last
2 meeting I attended in Anchorage, there were at least
3 40-plus contractors doing research through MMS, data
4 on our sea mammals, migratory birds and all that.

5 If that data were there, you would see probably
6 what the impact would be on our marine mammals. And
7 the proper comments could be done for this new lease
8 five-year program. That should be one of the
9 questions, why is this, all the research (inaudible)
10 for contractors that are doing the work for MMS not
11 being supplied to the public, but only for people
12 that are just asking for it?

13 MR. BENNETT: Jim Bennett, Minerals Management
14 Service. All of the information is collected,
15 scientific information is, or should be, used in the
16 environmental impact statements that we're putting
17 together or have put together for the five-year and
18 for Sale 193. So, I'm not exactly sure what
19 specific data you're referring to, but we -- we try
20 to use the best information in preparation of the
21 environmental impact statements.

22 MR. BROWER III: (Inaudible) receive comment
23 from the public (inaudible) that research be
24 collected and the public should be aware of it and
25 (inaudible) migratory birds, marine sea mammals,

1 bowhead whales, walrus and all of this. (Inaudible)

2 MS. AHMAOGAK: Maggie Ahmaogak. He's alluding
3 to that MMS has a lot of federally funded studies
4 doing a lot of gathering and stuff. And for
5 gathering something like this to have a public
6 hearing on an EIS on a lease sale program, where is
7 all the information? We are blindly trying to
8 provide comments from the local residents that don't
9 have access to this data who can be making some
10 contributions that would be meaningful for MMS to
11 think of.

12 MR. COWLES: I think, Maggie, that Mr. Bennett
13 can address that relative to the five-year program
14 and how this information, how they will consider
15 your comments in relation to the five-year program.
16 And Mr. Salyer will talk about the Chukchi Sea and
17 the information that's related to that.

18 And the one thing about the five-year program
19 analysis and information is it's mainly a scheduling
20 thing. And the information that's analyzed there is
21 per their scheduling. And an EIS process for a
22 particular lease sale, such as Chukchi Sea 193,
23 brings a -- a different type of analysis relative to
24 the effects on the very local environment. And Mr.
25 Salyer will explain that.

1 But again, I think that what we're seeking here
2 is comments such as yours to help us improve this
3 analysis, because these are documents that are
4 subject to change, of further addressing of
5 comments. So thank you very much for pointing that
6 out.

7 (Interpreter translating.)

8 MR. BENNETT: Thank you. Where this information
9 comes together is in the preparation of the
10 environmental impact statement. And what we are
11 talking about and what we're seeking comment on
12 tonight is on two environmental impact statements.
13 One on the five-year program and one on the lease,
14 specific Lease Sale 193 in the Chukchi Sea.

15 And to just give you a little context for the
16 five-year program, under the Outer Continental Shelf
17 Lands Act, our agency is charged with putting
18 together a five-year program, in this case, the
19 years 2007 to 2012, for leasing offshore on the
20 Outer Continental Shelf. And the five-year plan is
21 to identify those areas which merit further
22 consideration for oil and gas leasing.

23 So for a sale to occur in -- on the Outer
24 Continental Shelf in the next five-year period, it
25 must be part of this five-year program. And only

1 those areas that are included in the program are
2 candidates for a sale.

3 The inclusion of an area in the five-year
4 program does not necessarily mean that leasing will
5 occur in that area. It means that that area will be
6 subject to a more fully -- a fuller and more focused
7 environmental analysis on a lease sale basis. And
8 that's what the EIS for Sale 193 addresses.

9 The EIS for -- for the five-year program, and I
10 saw a copy -- somebody has it right there. It's
11 pretty voluminous, but it -- we distributed it in
12 August. It's available on the Web. And we're
13 seeking comments. And the comment period closes
14 Wednesday of next week on the 22nd, I believe.

15 And the program is national. It has eleven
16 sales in the Gulf of the Mexico, one sale in the
17 Atlantic and nine sales in Alaska, including three
18 in the Chukchi Sea.

19 Comments that you can provide can be written,
20 they can be provided via the Web or included in the
21 testimony you provide tonight, which we'll keep a
22 complete record of and address in the final EIS.

23 On page 4 of your handout, the first slide shows
24 you a list of the sales that are currently proposed
25 in the five-year program. We held scoping meetings

1 in -- in the spring for -- to identify the issues
2 that we need to address in this five-year document.
3 And we have conducted -- this is the last one
4 tonight, of the 19 that were originally scheduled.
5 We didn't make it to Wainwright earlier in the week,
6 but we had 19 public hearings nationwide to collect
7 comments and testimony from everybody on the -- what
8 is contained in those documents.

9 The schedule that you have on the second panel
10 there identifies the -- these last -- the -- the
11 meetings we've had this past week. And all of the
12 comments that you provide, either via the Web or
13 written or in testimony tonight, will be addressed
14 in the preparation of the final EIS for the
15 five-year program.

16 And with that, I'm going turn it over to Mike
17 Salyer to address specifically the EIS that's being
18 prepared for Sale 193 in the Chukchi Sea.

19 (Interpreter translating.)

20 MR. SALYER: Thank you.

21 Again, my name is Mike Salyer. I work for
22 Minerals Management Service Department of the
23 Interior. I was hired as a wildlife biologist and
24 environmental impact statement coordinator.

25 And to pick up where Mr. Bennett left off. On

1 this flow chart within the five-year program we have
2 the individual lease sales. And for those we
3 conduct environmental impact statements as well.
4 And that would be the green portion of that flow
5 chart, which is where we're talking from now.

6 And that brings us to Lease Sale 193.

7 THE INTERPRETER: Could you make sure you say
8 the page --

9 MR. SALYER: Yes. I was just referencing back
10 to page 2, that flow chart that Mr. Cowles was
11 discussing earlier for a point of reference, the
12 individual lease sales for planning specific sale
13 would be that green flow chart. And that's sort of
14 the schedule for an environmental impact statement
15 for individual lease sale, in this case Lease Sale
16 193, chukchi Sea.

17 Now I am going to skip over to page 5 to several
18 slides concerning Lease Sale 193. The companies
19 were solicited a few years ago, I believe, March
20 '03. And you see some dates there. And I won't go
21 through all of those. And there really wasn't a lot
22 of interest at that time in the Chukchi Sea. In
23 February '05 there was some more interest that was
24 indicated from industry. So at that point in time,
25 a decision was made that we needed to conduct an

1 environmental impact statement for the Chukchi Sea
2 and identify the planning area.

3 A notice of intent was prepared for -- to
4 indicate we're doing an EIS in September of '05.
5 And in January of 2006, we identified planning ID
6 area. And that's what this map is over here. And
7 for this environmental impact statement -- and
8 there's a copy of this map in the back of your
9 packet -- it covers the green outlined area as the
10 project ID area, or the program area for the Chukchi
11 Sea Lease Sale 193. That would be the proposed
12 action.

13 Now, September of '05 we began the scoping
14 process and we came into the villages. And we came
15 to the communities. And what we did there is we,
16 you know, had the scoping meetings to get everyone's
17 input. And that's part of the process, that we
18 could hear everybody's concerns and -- and get the
19 information.

20 And what we do with that information in this
21 process is that we use that information in order to
22 develop our alternatives for the Chukchi Sea Lease
23 Sale 193. And that's what this map is here. We
24 have the purple area, which was an alternative in
25 the environmental impact statement that's out for

1 comment now on the draft. And it's Corridor 1.
2 It's roughly -- the outer edge of that, it's 60
3 miles out from the coast. And that all sort of
4 resulted --

5 MS. AHMAOGAK: How many miles?

6 MR. SALYER: Roughly 60 miles out.

7 MS. AHMAOGAK: 60.

8 MR. SALYER: 60, yes, ma'am.

9 That was sort of the result of that scoping
10 process that we had gone through. And that's one of
11 the deferrals that's in there for analysis and
12 alternatives.

13 Now, ultimately, it's not our decision. It will
14 be in the Secretary's hands to make the decision.
15 But we did the analysis on these different deferrals
16 and proposed action.

17 That -- the entire project there, program area,
18 is 34 million acres. And deferral 1 takes out about
19 9 million of those acres. And also the Polynya is
20 out, as you can see. That is also not included and
21 it's not included in the proposed project either.
22 So you can see that that's out.

23 Then we have a little bit smaller corridor 2,
24 which is also one of the alternatives as a deferral.
25 And it takes out not quite as much as that other

1 one, but, yet, it takes out roughly three and
2 three-quarter million acres. And you can see that
3 in the environmental impact statement.

4 The draft is out now. And the deadline on
5 comment on that is December 19th. Okay. December
6 19th for the draft comment period.

7 And mainly that's what we wanted to go over so
8 that we could discuss and take everyone's comment.
9 And at this time I would -- I'll be glad to clarify
10 anything you have, or we can begin talking about
11 having the public hearing comments as well.

12 So does anyone have any questions on that?

13 MS. AHMAOGAK: I have a question --

14 (Interpreter translating.)

15 MS. AHMAOGAK: I have a question. Maggie
16 Ahmaogak, AEWC. Regarding the Chukchi Sea side, the
17 193, when we did the scoping meetings, we -- AEWC
18 followed MMS to Wainwright and Point Hope.

19 At that time we -- the whaling captains
20 identified some -- deferral areas.

21 MR. SALYER: Yes, ma'am.

22 MS. AHMAOGAK: Where is that deferral? I don't
23 want to see any alternatives.

24 MR. SALYER: Okay. The deferrals were, we had
25 specific walrus deferral areas, which covered a

1 circle roughly this size here. There was another
2 one near Wainwright, there was one near Point Lay
3 and there was one near Point Hope. And then there
4 was also the Barrow Canyon deferral. And then there
5 was some Eider critical habitat deferrals.

6 And rather than have these little -- the
7 individual deferrals, we made sure we were able to
8 encompass all of them in that large deferral.

9 MS. AHMAOGAK: I'm trying to make a point here.

10 MR. SALYER: Yes, ma'am.

11 MS. AHMAOGAK: At the time I think MMS took the
12 map. And they were -- Albert, you guys were
13 supposed to make me a copy, everybody signed off.
14 And these areas were definitely requested, that they
15 would not leave them up as alternatives for the
16 Interior to take out.

17 You see what I'm saying, is that when -- once
18 those areas are properly defined by the whaling
19 captains, that's what we did with Kaktovik and
20 Barrow, these areas were already identified by those
21 whaling captains in those respective villages.

22 Now, I do not see anything, as such, that looks
23 like a deferral.

24 MR. SALYER: Okay. Maybe I am not being clear.
25 I apologize.

1 MS. AHMAOGAK: Yes, that's why I wanted it to be
2 made clear.

3 MR. SALYER: Yes, ma'am.

4 And -- and what we did is, in order to do what
5 you're saying, okay, that -- that's why we had these
6 deferrals here, because it -- it --

7 MS. AHMAOGAK: But you identified them as
8 alternatives, options.

9 MR. SALYER: They're deferrals. You don't want
10 them to be -- I -- I mean you want those -- I
11 apologize. I'm trying to understand.

12 MR. BENNETT: You would like to see those as the
13 proposed action for the --

14 MS. AHMAOGAK: You people are very different
15 from the people I traveled with to the scoping
16 meetings. There was Fred King, John Goll, Albert
17 Barros. And a lot of the whaling captains took the
18 map off the wall and signed off and made a deferral
19 area.

20 And I gave that map up hoping that they were
21 going give me a copy. And I have not seen it yet.
22 But I do not see anything marked up that would
23 identify those areas of deferral that they wanted.
24 We do not want another Cross Island happening.
25 No -- no deferrals happening for these villages.

1 MR. SUYDAN: Can I try, maybe, to explain a
2 little bit?

3 MS. AHMAOGAK: Okay.

4 MR. SUYDAN: My name is Robert Suydan. I'm with
5 the North Slope Borough. I think what Maggie is
6 asking, is that those deferral areas are outside of
7 the planning area, just like the Polynya zone is
8 outside of the planning area. Is it the -- the
9 whaling captain said: We don't even want that to be
10 considered for leasing. It should be outside of the
11 planning area and we don't see it.

12 MS. AHMAOGAK: That's correct.

13 MR. SALYER: Okay.

14 MR. G. BROWER: I wanted to add a little bit.
15 It looks like you're trying to explain that that
16 purple section there is, you decided to make a large
17 area out of it as the deferral as an option. But I
18 think you made it to the point where whoever is
19 going to make the decision, that's going to be
20 totally unacceptable, because that's too big. And
21 it's not -- and getting what the villages asked for
22 that was identified, all mixed up into one big thing
23 that may not even be acceptable.

24 MR. SALYER: Okay.

25 (Interpreter translating.)

1 MS. AHMAOGAK: Maggie Ahmaogak, AEWC. I like
2 the way that Gordon Brower came up with it. And
3 that's exactly what AWC would like to prevent from
4 happening. If I don't -- if we do not see the
5 requested areas that were specified -- specified by
6 the whaling captains from those villages, and if you
7 see that alternatives that you made out in that
8 purple, that is not what we call -- or what was
9 specified by the whaling captains as the deferral.

10 I am very scared and very concerned about the
11 way this is laid out.

12 MR. COWLES: Thank you for that very important
13 comment. And Mr. Salyer and our office will take
14 that back and consider it as part of our preparation
15 of the final EIS. That's a very important point.
16 We appreciate you clarifying that so that we can
17 address it.

18 MS. WILLIAMS: I'm Vera Williams. I'm just a
19 resident, but I work in all kinds of stuff in our
20 community. Whatever Ms. Ahmaogak stated about AWC
21 deferrals, if you're going to define on there, can
22 you color code it in a different color so we can
23 know exactly what whaling captains requested, so
24 that it would be color coded different within
25 whatever you're trying to do. Because the way it

1 is, it seems like it wasn't really considered. But
2 if you color code it and make it obviously known
3 that that whaling captains comments were taken
4 seriously, I would like to see it in a different
5 color and stating that is what the whaling captains
6 wanted.

7 MR. EDWARDSON: Excuse me, you say you're with
8 the animals, you're the animal biologist for MMS?

9 MR. SALYER: I'm the EIS coordinator. My
10 background is a wildlife biologist.

11 MR. EDWARDSON: Okay. Great.

12 You don't have to follow the Marine Mammal
13 Protection Act when you look at the maps you're
14 showing us. You don't have to follow the Migratory
15 Bird Treaties or the Endangered Species Act, because
16 if you did, you know, this area would not be
17 touched, if that was the case.

18 So as a marine biologist, you can ignore such
19 laws as Endangered Species Act, Migratory Bird
20 treaties and the Marine Mammal Protection Act. That
21 is what I'm hearing you and seeing what you have put
22 up, is MMS is exempt from these laws?

23 MR. SALYER: No, sir. We are in consultation
24 with the different agencies you're referring to.

25 MR. EDWARDSON: Then why is it our commission,

1 our whaling commission and the people up here have
2 to identify to you these animals' paths, and if we
3 don't mention it, then you waive the regulations
4 that protect these animals?

5 MR. SALYER: They're definitely not waived. We
6 have pretty serious consultation. And we try to
7 work with one another to the process to come to some
8 agreement with everybody at different stages of the
9 process included here.

10 MR. BROWER: I worked in the North Slope Borough
11 planning for many years and have made comments year
12 after year concerning migration of whales, calving,
13 feeding, endangered species, you know, in the event
14 something happens and catastrophic release of oil
15 happens. Why has MMS ignored all those comments for
16 years and years and keep continue to go when we make
17 comments, they're inconsistent with coastal
18 management policies and municipal code policies on
19 migration, and all of these things, you still push
20 on like we don't exist.

21 Are we still going to say something to you
22 that's just going to be chunked to the back side
23 somewhere where nobody's going to pay attention to
24 it? That's the kind of feeling I get every time we
25 make these comments and you come back and repeat

1 ourselves over and over. I think we're doing this
2 until we die, going until we deplete the Eskimos.

3 MR. SALYER: Thank you.

4 MR. BROWER III: I have a question.

5 MR. SALYER: Yes, sir?

6 MR. BROWER III: I was reading the, the draft
7 EIS came out here recently, when I was going through
8 there, and I was going through another previous
9 document that just put together on the EIS on the
10 western and central (inaudible). And one of them
11 talks about (inaudible) that is deterred by offshore
12 exploration, but yet the draft EIS doesn't say
13 anything about the probability of (inaudible)
14 environmental offshore drilling that (inaudible) the
15 pristine environment fish, marine mammal migratory
16 birds. Doesn't say nothing about what the property
17 or mitigation will be with incidental (inaudible)
18 exploratory drilling. It doesn't state not one
19 thing the previous year document from 2005 why
20 independent research, and there were a lot of
21 comments made when there was a draft EIS done for
22 western and central Gulf Mexico.

23 These were comments prepared by experts but yet
24 (inaudible) no found EIS in those areas, so. Why is
25 that? (Inaudible) this draft EIS or this new sale

1 lease and probability on the five-year plan if
2 anything happens when they say (inaudible) these
3 offshore activities.

4 MR. SALYER: Okay. Thank you.

5 MR. SUYDAN: Cleve -- again, my name's Robert
6 Suydan. All the public hearings I've always been to
7 before have been really structured and there's an
8 opportunity for everybody to give comments and very
9 formally. Are we going to do that tonight?

10 MR. COWLES: Yes. Yes.

11 What we wanted to do, since we presented in
12 consideration of the fact that we are back again.
13 And we have three different items, basically, that
14 we're talking about tonight. We felt that by giving
15 this presentation, we would give an overview of the
16 scope of what we're talking about tonight. And then
17 provide a chance for you to seek clarification, for
18 example, with Mr. Salyer and what he just went over
19 or Mr. Bennett or myself.

20 So we want to do that, but we also do want you
21 to feel that we will later or right now, if you
22 wish, provide opportunity for formal testimony.

23 So one of the ways that we would appreciate your
24 consideration tonight for that purpose would be if
25 you're going to provide a comment or testimony on

1 any of these items would be to let us know which
2 item it is and that will help us to provide response
3 and to bring it under consideration.

4 And if that doesn't -- if your comment is more
5 general, then we will use that comment in
6 consideration of all of the items that we have on
7 our agenda tonight.

8 So --

9 MR. BENNETT: You might want to just note that
10 we are recording all of the comments that have been
11 going now. They are being recorded, whether it's
12 presented as formal testimony or not. And they will
13 be dealt with as comments on the EISes.

14 MR. SALYER: Before we go into the hearing, I
15 can clarify real briefly on the heavy metals issue,
16 it was addressed in Draft 193 in the water quality
17 section. So it might not -- I think your comment's
18 a very valid comment, and perhaps it wasn't
19 addressed to the degree of which you would like to
20 see it addressed.

21 Speaking to the Gulf of the Mexico, I know one
22 of the challenges we come up with in putting the
23 information in the environmental impact statement is
24 there isn't a lot of data in some of the disciplines
25 to draw from. So we recognize there should be some

1 more study in that area. And that's another
2 process.

3 In the Gulf -- I'm from down there. And there's
4 just a multitude of information that's readily
5 available. And I know they get really detailed on
6 the heavy metals in the Gulf of Mexico.

7 Our folks working on it in the Chukchi Sea, they
8 went to the information that they could find and
9 tried to extract what they could and conduct the
10 analysis. I am trying to clarify a little bit for
11 your sake, sir.

12 MR. BROWER III: I would just like to see that
13 on the, properly on this next round on the comments
14 on -- before the final EIS comes out to see at least
15 how it's going to be addressed to the direct chain
16 from the microscopic to marine mammals.

17 MR. SALYER: Okay. Thank you.

18 MS. WILLIAMS: Vera Williams, for the record --
19 (Interpreter translating.)

20 MS. WILLIAMS: Vera Williams, for the record.
21 On page 4 your proposed OCS lease sale '04 and '05
22 is listed for West -- for the Gulf Mexico, was there
23 any damages during all these hurricanes we had last
24 year? How bad of a structure -- did any of those
25 structures have, comparing -- because we have to

1 compare our storms to something.

2 I know we have ice that comes when Mother
3 Nature's magnitude of strength, I'm just wondering
4 how bad were the -- the -- whatever the oilfield in
5 the ocean, the Gulf of Mexico, was there any oil
6 spills? Because we don't hear about them in the
7 news. And I am just curious to see if there was any
8 damage during such storms with the hurricanes down
9 there.

10 MR. BENNETT: Very good question. The
11 information that we collected to date on that is,
12 yes, there was a lot of structural damage offshore.
13 But all of the offshore operations were evacuated
14 before the storms, Katrina and Rita, hit. And
15 although there was quite a bit of structural damage
16 offshore, there were no oil spills and there was no
17 loss of life.

18 There was a significant oil spill, but it was
19 from storage facilities up in Mississippi River, not
20 from the Outer Continental Shelf.

21 MS. WILLIAMS: I was just curious, because I
22 don't hear about such things and I have been meaning
23 to ask.

24 (Interpreter translating.)

25 MR. BROWER: I wanted to make a quick comment,

1 and it had to do with some time ago for a moratoria
2 on areas. You could -- you could see that there was
3 areas with a moratoria on leasing in parts of the
4 United States and some parts of it, I think, near
5 Bristol Bay, and areas were -- where there is other
6 types of activities, I think, to be protected.

7 And I think I had wrote a letter concerning that
8 there should be a similar type moratoria in the
9 Arctic, because of -- for one thing, there's a very
10 dramatic ice regime up here the -- in the endangered
11 species that inhabit up here, polar bears. And you
12 see that in the newspaper and the Discovery Channel
13 from time to time about the polar bears suffering
14 because of ice depletion and stuff like that,
15 habitat loss, and lots of new data surrounding
16 whales, they're calving, they calve on the way and
17 they feed and do all this. Why do you proceed and
18 seem to ignore things like that when there's, you
19 know, when there's request and seems like they're
20 logical enough to make reasonable decisions like
21 that when you provide information?

22 MR. COWLES: On the moratoria, we have not
23 ignored moratoria. There have been two types of
24 moratoria on OCS areas nationwide. Congressional
25 moratoria and executive.

1 In Alaska there's one area for which there have
2 been both types. And this is the North Aleutian
3 Basin area. And I don't have the dates right off
4 the top of my head, but recently, the congressional
5 moratoria was lifted for that planning area, but
6 there is still a presidential moratoria.

7 MR. BENNETT: Withdrawal.

8 MR. COWLES: Withdrawal. Okay.

9 And that has to be addressed before the
10 secretary of interior would include that in his
11 final program. So we have it out for discussion and
12 comment in our proposed program, but the -- as far
13 as I know, the presidential moratorium remains in
14 place.

15 MR. BROWER: Just one follow-up to that, and I
16 think I kind of didn't say this part of it, is I was
17 involved in a, I think in 2000 or 2001 joint
18 evaluation on the North Star spill response plans
19 when North Star was going through. And that joint
20 evaluation had seen so much inadequacies on oil
21 spill response tactics, capabilities with mechanical
22 barges, special barges to be out there.

23 And we had whaling captains on the barges. And
24 I was on one particular barge with one whaling
25 captain where the captain of the boat was in fear,

1 he was in fear because we were being enveloped by
2 ice all around us. He was afraid he would not be
3 able to get out of this and had to abandon the
4 drill.

5 That's what you're talking about, there is no,
6 to date, no technology involved in having an
7 effective cleanup on these kinds of things, yet you
8 go forward. That should be told directly to the
9 president of the United States.

10 MR. COWLES: Thank you for that comment. MMS
11 has a pollution prevention program that encompasses
12 more than oil spill response. They are a very
13 fundamental reviews that are part of our regulations
14 of industry, should it get to the stage of
15 submitting a development and production plan or an
16 exploration plan.

17 There are a lot of regulations and requirements
18 on the companies in terms of how they design their
19 programs to minimize risk so that we don't get to
20 the oil spill response stage.

21 A couple of aspects of these many different
22 regulations, for example, include review of the
23 engineering design, third-party verifications of the
24 plans and the rigs that have been, perhaps,
25 constructed for a particular activity. There are

1 requirements for a redundant well control systems,
2 there's emergency plans for a number of different
3 types of events in order to make sure that the
4 industry is prepared for a variety of possible
5 emergencies, including shallow gas possibilities,
6 hydrogen sulfide. There's several different
7 emergency plans that are required.

8 There's shallow hazard surveys before a company
9 goes into a -- a site to explore. And even,
10 perhaps, most importantly, we have on-site
11 inspections during operations to make sure that the
12 various safety systems are in place and the
13 procedures are being done in accordance with these
14 regulations.

15 So there's a whole host of requirements that MMS
16 enforces. I'm not an expert in that area, but I
17 just want to mention that the thrust is to minimize
18 the chance that there would be a spill.

19 MR. BROWER: I would just like to say one
20 comment about your comment about minimizing the
21 risk. You all know what happened 1912 with Titanic.
22 They said God, himself, can't sink this ship, and
23 it's at the bottom of the sea. You can't put
24 everything on prevention. You have to put something
25 towards a capability to pick up oil, should it go

1 into the Arctic environment. They have to be a
2 mechanical means to cleanup the Arctic environment
3 for those whales.

4 MR. BENNETT: Thank you for that comment. I
5 think that we've been going for roughly an hour.
6 And I would suggest that we take about a ten-minute
7 break and come back and continue, either for
8 clarifications or for testimony.

9 There's been a request for a podium.

10 MR. COWLES: We would set up a place for people
11 to make their formal presentation, there's a podium
12 that somebody has requested.

13 MR. EDWARDSON: I've got a little one. I wanted
14 to ask the biologist 1987, there was an
15 international conference on birds of the world -- I
16 mean the fish of the world under the Bering Sea.
17 And in there they identified the world's fisheries
18 as three segments. One segment was the Pacific Rim,
19 which the people, population growing so big, had
20 fished it out.

21 The second portion was the New England Banks all
22 the way over to Canada, the Northern Europe and the
23 people there have fished that out. Now the final
24 and last fisheries left on this planet is, you know,
25 the Bering Sea fisheries.

1 When the salmon leaves the fresh water rivers
2 where they're hatched, they disappear. And where
3 they go, their nursery is that -- the whole area
4 where you're proposing to do your drilling with.
5 That's where the salmon goes.

6 Now, if you have one accident there, you have
7 wiped out the world's fishery. That's going to be
8 on your heads. One accident, you destroy the
9 left -- last of the world's fisheries. I just
10 wanted to point that out to you.

11 MS. ROSA: Cheryl Rosa, Department of Wildlife
12 Management. Many of us in the north have watched in
13 horror, essentially, as more and more information
14 about BP's negligent maintenance of the on-land
15 Pipeline that's been basically revealed.

16 Does the MMS have any say in who they sell to,
17 these leases to? And do you look at an
18 environmental record? I mean, is there any type, do
19 you guys have any type of say in this? Because
20 offshore, it strikes me that they can't take care of
21 their onshore stuff, offshore is going to be a
22 hundred times worse.

23 MR. BENNETT: Lessees have to demonstrate that
24 they have the capability to operate withing the
25 parameters of environmental safety, as we define it

1 for them.

2 MS. AHMAOGAK: Before permitting?

3 MR. BENNETT: Before permitting, yes.

4 MS. AHMAOGAK: Why do you let them -- why do you
5 permit when they don't have it before --

6 MR. BENNETT: I can't speak to the onshore
7 situation. I'm not familiar with that with regard
8 to BP. It's not on our regulations.

9 MS. ROSA: I just want to register my personal
10 concern with the lack of ability to maintain and to
11 be able to see what is under water. I'm incredibly
12 disappointed with what I've been hearing for the
13 on-land and I know that this doesn't have much to do
14 with you guys, but it is a large concern for me.

15 MR. COWLES: Thank you. Well, why don't we take
16 a little break. It's 8:30. According to my watch.
17 So ten minutes.

18 (Thereupon, a brief recess was taken, after
19 which the following proceedings were had:)

20 MR. COWLES: We would like to open this meeting
21 now for testimony or other testimony about these
22 matters. And Maggie Ahmaogak has come forward.
23 Thank you. Maggie.

24 MS. AHMAOGAK: Okay. My name is Maggie Ahmaogak
25 I'm the executive director to the Alaska Eskimo

1 Whaling Commission for the record.

2 And my testimony is on behalf of the Alaska
3 Eskimo Whaling Commission for the hearing of the
4 United States Minerals Management on the draft
5 environmental impact statement for the Outer
6 Continental Shelf oil and gas leasing program 2007
7 to 2012.

8 Good evening. I'm the executive director of the
9 Alaska Eskimo Whaling Commission and am testifying
10 today on behalf of the AEWC. I will speak on the
11 following three very important points. I raised
12 these issues before the MMS in my testimony last
13 spring when I followed MMS to the scoping meetings
14 in the whole North Slope.

15 First, the level of activity MMS is planning to
16 permit up here will overwhelm us. This is too much
17 activity going on at one time. There is no way to
18 mitigate for multiple seismic operations, except to
19 shut them down until the bowhead hunt is over. And
20 there is no way at all to mitigate for multiple
21 drilling operations with icebreakers. Do you have a
22 plan for this, and where is this plan?

23 Second, MMS must start right now to address
24 long-term cumulative impacts from the activities up
25 here. We have been demanding this of MMS for many

1 years and now we must insist.

2 And finally, we will not tolerate your continued
3 use of the significance thresholds that you have in
4 this document, especially when it comes to food for
5 our people and protection of our culture.

6 On the level of the activity, we have many
7 affidavits from our whaling captains testifying to
8 the damage to their hunting from the high levels of
9 activity during the 1980s and early 1990s. Just as
10 happened then, we will not be able to have
11 successful hunts. This happened in 1980. There was
12 no success. Whales will be lost and our hunters
13 will be put at serious risk.

14 During that time, hunters lost equipment and
15 boats and some almost lost their lives because they
16 had to travel so far out in the ocean. This kind of
17 situation is also likely to lead to increases in our
18 struck and lost. If that happens, the IWC could
19 reduce our bowhead quota because of the reduced
20 efficiency in our hunt.

21 You have put in a 25-mile deferral area for the
22 Chukchi coast, and we are glad to see this. It
23 should help to spare our Chukchi villages, some of
24 the more serious impacts that our Beaufort Sea
25 villages have suffered.

1 But where are the protections for our Beaufort
2 Sea villages? Where is the deferral area for Cross
3 Island that we have been asking for years? How do
4 you plan to manage upstream impacts to the bowheads
5 when they migrate in the fall?

6 In your EIS you repeat over and over that
7 consultation and mitigation will take care of
8 everything later. How well do you mitigate the
9 impacts from those activities? We live here. We
10 depend on our subsistence resources being available
11 to us. You cannot ignore these facts.

12 When you plan your lease sales and your permits,
13 you have to account for our reliance on the
14 availability of our subsistence resources and make
15 your plans accordingly. We can only take our
16 subsistence resources when they migrate past our
17 villages. If your activities drive them away, there
18 is no second chance for us to -- for an entire year.

19 One of the most important planning tools that
20 you have, MMS, is the exclusion areas around our
21 villages from leasing under your five-year plan. We
22 showed you back in November of 2001 the areas that
23 we needed protected from the industrial activities
24 Nuiqsut identified 94 blocks, Kaktovik identified
25 173 blocks, Barrow identified 588 blocks. That

1 should have been deferred from Lease Sale 186 and
2 subsequent sales.

3 The deferral areas identified by the communities
4 are the areas that must be left free from industrial
5 noise during the fall bowhead migration and
6 subsistence hunts if the communities are to have an
7 opportunity for a safe and successful hunt to meet
8 their subsistence need for bowhead whales.

9 We have requested that for the 2007, 2012
10 five-year plan the deferral areas we first requested
11 in November of 2001 be established as exclusions
12 from this new program area. I can't even find a
13 discussion of this in your draft EIS. Is this how
14 little our concerns and our communities mean to your
15 agency?

16 Now, turning to cumulative effects. For this
17 five-year plan, MMS, we have asked you to coordinate
18 development activities with BLM, the State of Alaska
19 and to work with us to manage cumulative impacts
20 from all of the onshore and offshore activities
21 happening at the same time. Again, there is no
22 mention of this in your draft EIS.

23 In 2003, the National Research Council said that
24 the mitigation of cumulative impacts must rest on a
25 coordinated and comprehensive research plan that

1 incorporates traditional knowledge and independent
2 peer review. Without this coordination, MMS is
3 violating its legal responsibility for analyzing and
4 addressing the cumulative environmental impacts
5 caused by its offshore leases and permits.

6 Not only that, but the Department of the
7 Interior's own internal regulations require MMS and
8 BLM to integrate their analysis of environmental
9 impacts from North Slope oil and gas development.
10 You are required to do this, MMS, and you'll need to
11 make this integrated analysis public. And then you
12 need to work with the AEWC and the North Slope
13 Borough to come up with a way to manage the impacts
14 to our marine, coastal and human environments.

15 And the impacts are here. We now have 40 to 50
16 kilometer area around Prudhoe Bay that has been
17 abandoned by seals and where no bowheads are seen.
18 We want to know why this is there and how you are
19 going to keep this same kind of impact from
20 happening around offshore production sites.

21 And finally, significance thresholds. In spite
22 of our objection MMS, you continue to state that you
23 do not consider adverse impacts to subsistence uses
24 to be significant unless one or more important
25 subsistence resources become unavailable,

1 undesirable for use or available only in greatly
2 reduced numbers for a period of one to two years.

3 What you are saying here is that we should be
4 able to go without food or experience severe food
5 shortages for up to two years before you would
6 consider the situation to be significant. MMS also
7 does not consider adverse impacts to our social and
8 cultural practices to be significant unless there is
9 a chronic disruption of our culture for a period of
10 two to five years with a tendency toward the
11 displacement of existing social patterns.

12 People would starve and our community would have
13 fallen apart by the time you, MMS, declares there is
14 a chronic disruption of our culture for a period of
15 two to five years. And still, this will not be
16 significant. What is your justification for this?
17 Who has given you the authority to make these kind
18 of judgment calls? This could mean life and death
19 for our people, who depend on subsistence food for a
20 living.

21 Congress has not given you this authority, the
22 standard Congress has set for the activities you
23 permit is no unmitigable adverse impact to the
24 availability of our subsistence resources. With
25 your plan to allow activities that would make our

1 food resources unavailable one to two years, it is
2 clear that MMS does not consider itself bound by
3 this federal law.

4 We have tried to work with your agency in good
5 faith for many years now. But we still are not
6 being listened to. So maybe it's time I went to
7 Washington DC and talked to your bosses. And maybe,
8 just maybe Congress will listen. Thank you.

9 (Interpreter translating.)

10 MR. COWLES: Thank you, sir.

11 MR. OLEMAUN: We must have the same thoughts,
12 because Maggie just mentioned what I was going to --
13 what I have here, but I do want to present it to
14 you. My name is George Olemaun. I'm with the North
15 Slope Borough, I'm the CAO. I represent the mayor,
16 Edward Itta.

17 We are not welcome for coming again and again
18 and again. But we'll still be here, don't forget
19 that. But for most -- and I hope to see you again,
20 too, Mr. Bennett. Well, could you tell us who
21 your -- what your -- I mean, what -- who you -- are
22 you the boss of the people that come here? Are you
23 the one that --

24 MR. BENNETT: No. I'm with the Minerals
25 Management Service in Washington. I'm the chief of

1 the Branch of Environmental Assessment. Cleve is
2 the regional offices, I think --

3 MR. COWLES: I'm the acting regional supervisor
4 for the Office of Leasing Environment in Anchorage
5 and Mr. Salyer and --

6 MR. OLEMAUN: Yeah, and I just wanted to clarify
7 what his position was. And I understand this is
8 your first time here; is that correct?

9 MR. BENNETT: No, this is my second trip to
10 Barrow. I was here a couple years ago for an IT --

11 MR. OLEMAUN: Well, so many of you all look the
12 same now.

13 MR. BENNETT: Appreciate being here.

14 MR. OLEMAUN: For more than 30 years North Slope
15 Borough leaders have taken a consistent stand in
16 opposition to offshore leasing exploration and
17 development. That opposition has been based
18 primarily on two factors, that the noise associated
19 with industrial operations can deflect migrating
20 bowhead whales and other important subsistence
21 resources beyond the range of safe harvest by local
22 at hunters. And two, because of a lack of
23 demonstrated capability to respond -- to respond to
24 and clean up a significant oil spill in Arctic
25 marine environment.

1 I'm going to make a few brief comments here
2 tonight but will submit detailed written comments on
3 both the EIS, draft EIS 2007, 2012 OCS leasing and
4 the draft EIS for Chukchi Sea Lease Sale 193.

5 The proposal for three Chukchi Sea lease sales,
6 is an overly-aggressive schedule, it's an
7 overly-aggressive schedule, given the remoteness of
8 the planning area, lack of comprehensible biological
9 and other key resource and environmental data and
10 absence of inactive leases.

11 A three-sale within a five-year leasing program
12 would not allow for the adequate acquisition and
13 analysis of relevant scientific information. In the
14 leasing of our waters, we support the exclusion of
15 key subsistence information from leasing. MMS
16 maintains that consideration of area deferrals is
17 appropriately left to the review of individual lease
18 sales and should not be undertaken within the
19 five-year program.

20 Several exclusions are considered in the draft
21 EIS including a 25-mile costal buffer in the Chukchi
22 Sea, identified as Alternative 5, and ultimately
23 adopted into the proposed program. The distinction
24 between such inclusions and area deferrals is lost
25 on us. If an area is accepted as preserving of

1 heightened protection, it is best to apply that
2 protection as early in the planning process and as
3 much certainty as possible.

4 It is unclear how the proposed 25-mile Chukchi
5 costal buffer compares to the exclusion of
6 near-shore tracts, the Chukchi Polynya and the
7 tracts near Barrow under the current five-year
8 program. We will support adoption of whichever area
9 is larger.

10 We also believe the areas of the Beaufort Sea
11 are equally deserving of heightened protection at
12 the five-year program stage the same factors that
13 justify excluding a coastal buffer zone in Chukchi
14 Sea apply in the Beaufort Sea as well. Comparable
15 exclusion zones should be adopted. At an absolute
16 minimum, areas that have been repeatedly deferred
17 from off-sea Beaufort Sea sales from more than a
18 decade -- for more than a decade certainly can be
19 excluded now without controversy.

20 The area encompassing the Barrow Spring Lead,
21 that's the open water system in the Eastern Beaufort
22 Sea, have long been recognized by MMS as critical
23 subsistence use areas and areas of high biological
24 sensitivity.

25 In addition, the area north and east of Cross

1 Island are the recognized as being critical to the
2 subsistence whaling success of the community of
3 Nuiqsut and should be excluded from leasing as well.

4 The discussion of oil spill risk and effects is
5 inadequate -- it is inadequate. MMS wrongly mixes
6 conclusions that the likelihood of major spills is
7 low and that impacts would there be minimal. The
8 facts are that the major oil spills are predicted to
9 occur in each Arctic planning area and that major
10 spills would produce significant effects to
11 subsistence and could produce population level
12 equals -- effects to vulnerable species.

13 MMS often describes the effects of large spill
14 simply as being greater or longer term than small
15 spills. Instead the EIS must be specific in
16 describing the impacts of large spills. DEIS does
17 not comply with an EPA requirement that a discussion
18 of mitigation measures be included in analyses. MMS
19 repeatedly concludes in a variety of contexts,
20 however, that such measures will reduce impacts to
21 acceptable levels. MMS cannot have it both ways.

22 Mitigation measures must be identified and
23 discussed in sufficient detail to allow for a
24 assessment of their usefulness.

25 Section 18 A 1 of the OCS Lands Act provides

1 that in addition to examining oil and gas resources,
2 the Secretary is required to consider the value of
3 other OCS resources and the potential impact that
4 OCS oil and gas activities could have on these
5 resources on the marine coastal and human
6 environments.

7 MMS has never done an adequate job of
8 identifying the full range of impacts on our local
9 Inupiat people that have already occurred or are
10 foreseeable in the future as a result of OCS leasing
11 and activities.

12 A draft EIS does not acknowledge that the
13 cultural and subsistence activities of Alaska
14 Natives could be affected by both routine
15 development activities and oil spills and that
16 Alaska Natives may be disproportionately affected by
17 OCS activities because of our reliance on
18 subsistence resources and harvest practices.

19 It just seems that nothing has been done with
20 this information. It certainly has not been the
21 basis for a decision to halt leasing in our Arctic
22 planning areas on -- thereby curtail ongoing impacts
23 or reduce the threat of future ones.

24 MMS should commit to the adoption of Health
25 Impact Assessment as the state-of-the-art

1 methodology for developing information in all future
2 sale-specific environmental documents regarding how
3 the OCS leasing program may affect the health of
4 people. HIA will assist MMS in satisfying NEPA, CEQ
5 and other state statutory and regulatory
6 requirements to comprehensively analyze the effects
7 of its actions on our North Slope residents and
8 others affected by OCS leasing and operation.

9 HRA has been enthusiastically endorsed by the
10 Federal Centers for Disease Control and Prevention
11 and the World Health Organization. The Borough is
12 eager to collaborate with MMS in applying the HIA
13 process with the future MMS planning efforts.

14 MMS has used inappropriate significance
15 thresholds for subsistence and sociocultural system
16 effects. It is irrational and simply insulting to
17 maintain the loss of one or more major food
18 resources not significant unless the disruption
19 occurs for one year or more. We join the AWC in
20 asking the criteria be revised to more accurately
21 reflect the experiences of the people who would be
22 affected.

23 A cumulative effects analysis presented in the
24 DEIS is inadequate. As noted earlier, MMS has not
25 met its obligation to fully assess potential impacts

1 to human health. MMS has also not offered any real
2 description or analysis of a host of ongoing and
3 reasonably unforeseeable actions and conditions to
4 that will occur during the suggested 40-year life
5 span of program activities.

6 These include upper-end scenarios for oil and
7 gas development of the South, Southeast and
8 Northwest NPR-A planning areas, including specifics
9 to restrict overall footprints, roads, pipelines,
10 port and coastal staging facilities and marine
11 transport.

12 Of particular concern are a potential for
13 expanding onshore development or stimulate offshore
14 development [as spoken]. The potential for offshore
15 operations in support of onshore development to
16 impact marine resources and harvests, the potential
17 for onshore pipelines and other infrastructure
18 associated with offshore development to impact
19 onshore resources, particularly the Teshekpuk
20 Caribou Herd and Western Caribou Herd. [as spoken]

21 Construction and operation of an Alaska gas
22 pipeline and the expansion of the Delong Mountain
23 Portsite or Red Dog Mine, coal and mineral
24 development within and outside the NPR-A, increasing
25 onshore and offshore industrialization and

1 commercialization of the Eastern Russian Arctic,
2 increasing oil and gas development in the Canadian
3 Arctic, long-term multiple offshore open water and
4 winter seismic operations.

5 With respect to the proposed Chukchi Sea Sale
6 193, the Borough position has not changed since we
7 submitted scoping comments last year. We still have
8 much to learn about the biology and processes of the
9 Beaufort Sea. We know far less about the Chukchi
10 Sea. We must make responsible decisions with our --
11 regarding leasing until significantly more baseline
12 data is obtained in the region. Thank you.

13 And I do have a copy for you.

14 (Interpreter translating.)

15 MR. G. BROWER: My name's Gordon Brower, for the
16 record. I just like to state a little bit about
17 myself. I've been in my dad's whaling crew since I
18 was a little kid. I've taken turn many times for
19 many years as co-captain with my younger brother and
20 my older brothers.

21 And I've also had the privilege to serve on the
22 Federal Subsistence Advisory Council representing
23 Barrow and also had a good privilege to -- over the
24 planning department for quite a while and making
25 comments for the administrator of the director of

1 planning on lease sales, such as these.

2 Now, that's just a little bit of my background.

3 And I'd like to make a few comments. Some of the
4 things that -- that have interested me and bothered
5 me over time. Some of them deal with coastal impact
6 assistance programs, grants that we're often
7 fighting for, and how it's allocated by the State.
8 There needs to be some reformulation of how those
9 monies are distributed with targeting the real
10 impact zone. We have a real hard time fighting for
11 these funds from the State.

12 And I see that in today, the State of Alaska,
13 having altered the Coastal Management Program,
14 limiting the -- the scope to the three-mile boundary
15 and your -- seems to be up to 100 miles offshore,
16 seems to me that doesn't impact the State.

17 And I would like to say that -- that these kinds
18 of impacts are for the indigenous people. They have
19 a claim to that water out there. The regional
20 government here, the ICAS, needs to be involved
21 heavily in coastal impact assistance, because that
22 is not State water. State water stops at three
23 miles. They need to be reformulating these things
24 for the impacted tribal organizations.

25 Currently there's villages that don't have

1 infrastructure for, should you -- should you strike
2 oil out there, there are no boat docks capable of
3 handling larger ships and coming ashore. Those kind
4 of funding should go to the regional tribal
5 organizations from OCS.

6 And another thing, I was -- I had the privilege
7 of being a staff member to the ICC for the elders
8 conference in July for the planning partner with
9 staff. And Arnold Brower Senior had introduced a
10 resolution to the elders, which was passed
11 unanimously by Greenland, by Russia, by Canada, that
12 in -- had statements to the effect that each
13 neighboring country should not engage in oil
14 proliferation of the Arctic Ocean until there is
15 proven technology to clean up oil so that the
16 neighboring countries wouldn't be affected by oil
17 pollution in the Arctic. I think some of that has
18 consequences to ICC to what you're doing out here.

19 I've made a few little notes. This is my --
20 these are my notes. I don't have -- I was just in a
21 hurry and found out, so I wrote on a little
22 three-by-three sticky thing here. So these are my
23 notes here, I go off of.

24 UNIDENTIFIED SPEAKER: Are you going to turn
25 that in?

1 MR. G. BROWER: I might turn it in.

2 MR. COWLES: Please do.

3 MR. G. BROWER: But I don't know, if I turn that
4 in, I think that it'll get lost, it will just go out
5 that way. Maybe I better save them for myself.

6 Anyway, United States and other countries who
7 the oil -- who the oil industry sells the oil to
8 will receive low prices, namingly, probably Lower
9 48. I think I have heard that a lot of the oil from
10 the North Slope gets sold to Japan, to other
11 countries that -- the United States have friends.
12 And I think that's not right. You know, that's --
13 should be for domestic oil supply. And I think
14 that's, something has to be written into the lease,
15 that this oil should be used for the country.

16 And they all receive lower prices, but not the
17 Arctic. In 2006 the fuel prices in Barrow, which is
18 the lowest cost in all of the villages in the North
19 Slope was \$4.55 a gallon, the last time I went to
20 the pump, a gallon of fuel. I've heard many times
21 in other villages of \$6 a gallon.

22 I got to turn the page.

23 We have provided new compelling evidence that
24 the risk of an oil spill is increasing and the risk
25 should not be taken lightly. The people of the

1 Arctic will not receive meaningful benefits with the
2 selling of the Arctic Ocean. I am saying that I
3 don't think North Slope Borough would be receiving
4 anything in terms of taxation, property taxes. You
5 need to look at this situation, and I think our
6 regional IRA, such as ICAS needs to be looking at
7 this. And that should be a taxable place for the
8 IRA.

9 What do you do with our comments, as I stated
10 before, when we have commented before on baby
11 whales, endangered species, risk of oil spills and
12 the lack of options for cleaning the Arctic
13 environment, if and when industry spills? I'm
14 saying "if" and now it's "when."

15 I've been -- like I said, I've been involved in
16 the offshore trials for North Star. Right now North
17 Star is pumping 80,000 barrels per day with a system
18 that doesn't work for offshore cleanup, should it
19 spill in broken ice. I've -- I was on board those
20 boats, those captains trying to do a mock drill to
21 pick up oil in that environment were scared for
22 their lives. That -- that -- that drill was stopped
23 short.

24 If North Star suddenly had a problem, such as
25 what happened to GC 2, what do we do then? You

1 know, 200,000 gallons on the ground and somebody had
2 to smell it in order to see it. No mechanical
3 technology picked it up, except the nose of an
4 individual person. That's the technology you're --
5 you have and what the industry is lacking or
6 unwilling to go to best available technologies, an
7 individual by smell found the -- that leak. I think
8 that's totally unacceptable.

9 Under the land of the Eskimo is oil and gas, yet
10 we have to import our fuels. Home heating, motor
11 gas, all imported, back to the Arctic and we get a
12 double cost added in the villages, three and four
13 times the cost. How do you guys fix that, when
14 we're the ones that have the oil right underneath of
15 us? Seems to me our gas prices should be \$.99 a
16 gallon.

17 This is a shameful situation. The government
18 has taken the Eskimos' lands away and have raped the
19 Eskimos from oil and gas and minerals, which are
20 rightful -- which are rightful owners of the
21 Inupiats aboriginal people.

22 Wherever you go in the Arctic, on land or sea,
23 the Eskimos were here first. 1971, the Eskimos did
24 not want the land claims. We were forced into the
25 deal and had to deal with it. ICA is the regional

1 IRA to -- need to tax the OCS. The Eskimos live off
2 of the ocean. I think our aboriginal title should
3 be 80 miles offshore everywhere.

4 And reclaim our rights, 90 percent of the
5 villages are hurting for jobs. I often like to
6 state these things because I deal with onshore
7 impacts and development. There's constant
8 displacement. There's constant movement westerly,
9 and it's going to reach Barrow very soon.

10 And North Slope Borough is the only one, the
11 only agency leading this mitigation effort. The
12 State and others have ignored it for many years,
13 like we don't exist. The North Slope Borough is the
14 only one who has started a mitigation program to
15 offset the cost of displacing subsistence resources,
16 to offset the cost of going out further to hunt
17 elsewhere. So that cost would not be added onto
18 everyday normal life of people trying to subsist off
19 the land.

20 It is a subsistence economy using modern tools
21 to survive. We use the fuels that are made far away
22 in far away lands from oil produced over our lands.
23 I don't think we can move forward like that anymore.
24 It's -- it's -- I think it's just totally wrong.

25 I think we're probably the minority of the

1 minority of the minority. If you believe the -- the
2 black man is a minority and they have 20 million
3 people. What are the Eskimos?

4 MMS, you have no -- I'd like to say this, you
5 know, clearly, MMS, you have no backbone to even
6 stand up to industry. When our whales are
7 threatened, this is alluding to Conoco's lawsuit on
8 this 120 decibel situation for offshore seismic.
9 How we can trust you -- how can we trust you to keep
10 a log of what -- what the heck we say, when we have
11 introduced mitigation through the Marine Mammals and
12 through those programmatic EAs on the seismic and
13 then go and look -- and not even really say too much
14 about this lawsuit surrounding seismic when it comes
15 to protecting baby whales?

16 Record my words. Let me see them. Let me see
17 them said in your report, in your EIS, as I have
18 said them. I would really like to see that. Seems
19 to me, in the EIS, a lot of the meaningful comments,
20 they don't get on there, either they don't apply to
21 Lease Sale 193 or -- or your 2007 to 2012. I'm
22 saying these comments for both of them, for 2007 to
23 2012, because they're going to be the same thing.
24 You're going to just keep doing it and keep doing
25 it.

1 For many years, the North Slope Borough talked
2 about pipeline corrosion. Only when the pipes go to
3 hell did anyone do anything about it. The North
4 Slope Borough saw this at least ten years before the
5 large spill on the lands in the Arctic. We had made
6 repeated statements to the State of Alaska and to
7 others concerning corrosion of pipelines, aging
8 infrastructure. And yet, they just let it go until
9 a big hole happens and the pipeline is leaking at
10 every -- every turn. Is that what we're going to be
11 expecting to see off -- out there?

12 MMS, I state to you that industry nor MMS has
13 the technology to clean up oil in the Arctic marine
14 environment. Should industry have a blowout or
15 spill in the Arctic Ocean, what are we going to do
16 then? I mean, I endorse wholeheartedly what AEWC
17 has said concerning IWC efficiency rates. But what
18 if the spill happens? Maybe the only means of
19 protecting the whale at that point would be IWC to
20 discontinue the quota all together, as the only
21 means to protect the whales in a chronic polluted
22 environment.

23 I hear industry saying they have plans to drill
24 for 2007, 2008. I say prove you can clean up a mess
25 first, before you sell it all, industry should be

1 and MMS should be heading it, to prove they have
2 technology to clean up a mess. Right now it doesn't
3 exist. I -- I like to repeat this over and over,
4 because I was involved in offshore trials with real
5 equipment in a contingency plan approved by the
6 State of Alaska. And to drill them and to test
7 them. And they have been failures to that end.

8 The Arctic ice regimes are dynamic and the
9 change to -- global climate change that's going on,
10 I think, you know, those are things that a lot of
11 people are putting a lot of words into. Something
12 that may be cyclical, that may just be revolving,
13 and I've heard about it before, that it may be
14 something cyclical.

15 Don't you dare depend on global warming for any
16 part of dealing with known ice dynamics in the
17 Arctic. Our culture, our animals, we depend on all
18 of this. We depend on them. Our culture depends on
19 them.

20 If it takes the Inupiat to partner with a
21 wildlife conservationist, I am very -- sometimes
22 very happy. What happened in the northeast planning
23 area, the northeast corner? Where the wildlife
24 conservationists of all people take lead in saying
25 that that area should not be leased, inadequate

1 analysis had taken place. We should be the people,
2 the North Slope Borough should be the people taking
3 the industry and MMS to court. I think the wildlife
4 conservationists, you know, they have my heart. And
5 I think the people of the Arctic should be friends
6 with those people. We need to embrace them.

7 There is a long-standing disregard that MMS has
8 to the comments of the Arctic people of the North
9 Slope Borough. The North Slope Borough has
10 commented over many years concerning inconsistency
11 of the proposed leases over time. And we have a
12 stack of them in our offices, saying this project is
13 inconsistent, this is inconsistent. We provide new
14 information. What do you do with them? You don't
15 do nothing with them. We say it's more than
16 migration, there's baby whales being born, there's
17 mother whales with calves in them, what does the
18 seismic do to the mother whale with the fetus inside
19 them, to the baby whales, to the feeding areas? All
20 of these things are being ignored.

21 And I think -- lastly, I think it seems we
22 repeat ourselves so often, that maybe MMS is waiting
23 for all of us to die off, so we can't say
24 anything -- so we won't repeat ourselves, until
25 everybody dies off, so there's no more voice.

1 Thank you.

2 MR. COWLES: Thank you.

3 We've gone another hour. And I -- I would
4 propose a break after Mr. Brower summarizes. And I
5 also would encourage that if there are any elders or
6 parents who need to get home with their families
7 after the break, if you would feel like, again,
8 coming forwards, please do. And then we will
9 continue. So --

10 (Interpreter translating.)

11 MR. COWLES: Again, I'd recommend we take
12 another break, because we've gone another hour. And
13 if there would be any elders or parents who need to
14 get home, we'll hopefully start with your testimony.

15 (Thereupon, a brief recess was taken, after
16 which the following proceedings were had:)

17 MR. BENNETT: If we could get started again,
18 again. Cleve asked if there's folks that have a
19 need to get home early, if they have testimony and
20 would like to do so now is the time to step forward.
21 Not seeing anyone specific, we'll start over.

22 If you could make sure and state your name and
23 affiliation, please.

24 MR. AIKEN: Thank you. I have a pretty lengthy
25 prepared comment. I'll try to make it as short as

1 possible, but it's pretty hard to make these kinds
2 of comments short, especially when it deals with
3 offshore. My comments are only a part of what needs
4 to be said, though. There's so much to be said that
5 there's not enough time to say everything you need
6 to say.

7 But, for the record, my name is Johnny Aiken.
8 I'm the director of the North Slope Borough Planning
9 Department. I would like to welcome you, MMS staff,
10 to Barrow and especially Jim, Jim Bennett from MMS
11 headquarters in Virginia. I heard you're a good man
12 and you -- you listen.

13 MR. BENNETT: Thank you.

14 MR. AIKEN: It's always important for us and
15 highly educational for decision-makers to visit us
16 here in our Inupiat homeland. Thank you for coming,
17 Mr. Bennett, and thank you for the opportunity to
18 comment on these very important matters.

19 Also I want to thank the Borough residents that
20 have taken their personal time today to come and
21 speak with us about the very important topics of
22 this offshore oil and gas five-year leasing program
23 and Chukchi Sale 193. Many of us have been
24 testifying at meetings like this for many years.
25 And, to be honest, it's not clear to us that MMS has

1 adjusted its actions at all in response to our
2 comments. It should be an indication to you of how
3 strongly we feel about these issues, that we just
4 keep coming and testifying.

5 MMS knows that the NSB, the North Slope Borough,
6 adamantly opposes offshore development in the
7 Beaufort Sea and especially the Chukchi Sea. We are
8 still learning much about the Beaufort Sea, even
9 after years of study at great expense. Far less is
10 known about the Chukchi Sea.

11 The Beaufort Sea presents great challenges with
12 respect to both routine industry operations and oil
13 spill response. The Chukchi Sea presents far
14 greater challenges. There's no justification for
15 even considering renewed leasing in the Chukchi Sea
16 until significant baseline data is gathered and
17 until there is a demonstrated oil spill response
18 capability first developed for the Beaufort Sea.

19 The North Slope Borough is opposed to offshore
20 development because we believe that the risk of an
21 offshore oil spill to the Inupiat subsistence way of
22 life is simply too great to be tolerated. And
23 because the noise associated with the industry
24 operations can change the distribution of marine
25 wildlife and our critical subsistence harvests.

1 For years our comments on both oil spill
2 contingency plans and offshore leasing -- offshore
3 leasing exploration and development proposals have
4 described the potentially severe environmental
5 consequences of an offshore oil spill and the lack
6 of resources and technical capability to stop,
7 recover and clean up an oil spill in our challenging
8 offshore environment.

9 Recently I was at an Alaska Eskimo Whaling
10 Commission meeting in Anchorage listening to an oil
11 company representative who was presenting a proposal
12 for offshore drilling in the Mikkelsen Bay area,
13 somewhere out there. The oil company representative
14 said they would prove to MMS that it will have the
15 capability to clean up an oil spill in the Arctic
16 waters before they develop this area. This was
17 pretty interesting to me. We would really like to
18 see this proof if -- if the oil company produces it.
19 If it's there, we would like to see it.

20 The North Star ice-breaking barge spill response
21 systems, as Gordon alluded to earlier, was presented
22 to the North Slope Borough as a state-of-the-art
23 technology when the North Star offshore project was
24 approved by MMS and other agencies. Yet the North
25 Star offshore oil spill response system failed badly

1 in demonstrations that didn't even come close to the
2 severity of Arctic conditions that we commonly
3 experience.

4 A joint federal and state report was issued in
5 2001 that confirmed that neither BP nor any of its
6 contractors had an effective oil response system in
7 place to respond to an oil spill in broken ice
8 conditions at North Star.

9 We are still waiting for the best available
10 technology to be implemented at North Star. This
11 best technology was promised to us when the North
12 Star offshore development project was approved by
13 federal and state agencies.

14 Now the draft EIS talks about a new North Star
15 system involving smaller tugboats and other vessels
16 as a great advancement in spill response capability
17 that has been proven. It's been tested and proven.
18 It hasn't been tested and proven.

19 We know for a fact that no oil -- major oil
20 spill anywhere is fully cleaned up without
21 significant environmental impact, even in places
22 that are not ice-infested or dark, cold and remote
23 like the Beaufort and Chukchi Seas.

24 Development in the offshore environment should
25 not be conducted until there is proven oil spill

1 response system for the Arctic. We will not support
2 development of offshore -- offshore resources on the
3 promise that a system will be developed. This time
4 we will require proof first.

5 In other areas of the United States and Canada,
6 offshore oil exploration and development moratoria
7 have been implemented in recognition of the
8 sensitivity and vulnerability of their environments
9 and competing uses in the intolerable risks posed by
10 marine oil spills. We do not understand why there
11 are not offshore development moratoria for the
12 Beaufort and Chukchi Sea.

13 our resources and critical subsistence uses are
14 as important and sensitive as the resources and uses
15 in the areas now closed to leasing and our region
16 certainly presents challenges to effective oil spill
17 response far greater than anywhere else in the
18 country.

19 It hardly seems fair, for years our comments and
20 concerns over the risk of oil spills have been --
21 have gone ignored. This year, however, with an oil
22 spill on the tundra, the state and federal agencies
23 are finally taking note of our long-standing
24 concerns. And that's GC-2.

25 It's very unfortunate that the largest oil spill

1 to ever occur on the North Slope had to occur before
2 our concerns about oil spill prevention, detection
3 and response were taken seriously.

4 The North Slope Borough would like to work
5 cooperatively with the state and federal agencies to
6 look at ways to improve oil spill prevention for
7 onshore oil developments first, before industry is
8 encouraged to development in the more challenging
9 offshore environment. The North Slope Borough will
10 continue to oppose development of new offshore oil
11 development.

12 Today I ask MMS to explain the oil spill
13 prevention response measures that they have in place
14 for offshore exploration and development and how
15 those oil spill prevention and response measures
16 will ensure that no oil spill -- no oil is spilled
17 into our seas, and fully and rapidly cleaned up, if
18 it does. I want to know what actual tests have been
19 performed or planned to demonstrate prevention and
20 response systems.

21 It is the North Slope Borough's duty to serve as
22 a trustee for the environment and protect the --
23 prevent future way of life for the people of the
24 North Slope who rely on resources in this
25 environment for their survival.

1 We must not allow unreasonable risks to our
2 subsistence way of life and we appeal to MMS to
3 support North Slope residents on this important
4 issue. At a minimum, MMS must adopt the standard
5 for subsistence impact employed by the National
6 Marine Fisheries Service and abandon the weak
7 standard now used in lease stipulation 5, that says
8 only that exploration and development and production
9 operations shall be conducted in a manner that
10 prevents unreasonable conflicts between the oil and
11 gas industry and subsistence activities including,
12 but not limited to, bowhead whale subsistence
13 hunting.

14 MMS should not consider any conflicts with
15 subsistence reasonable. I challenge any of the MMS
16 staff here to -- here to visit any of our families
17 in their homes and especially the elders that shared
18 their traditional subsistence food we eat every day
19 and explain where the line is between reasonable and
20 unreasonable conflicts.

21 The standards used in NMFS in the regulations
22 allowing the incidental take of marine mammals
23 requires that there be no unmitigable adverse impact
24 to subsistence. MMS must adopt the stronger
25 standard and apply it in all lease sales.

1 Related to this issue are the different
2 significance thresholds that MMS uses in its
3 environmental reviews for determining how to
4 describe the expected levels of impacts to different
5 resources and uses. MMS has decided that an impact
6 to subsistence harvest patterns is only significant
7 if one or more important resources would become
8 unavailable, undesirable for use or available only
9 in greatly reduced numbers for a period of one to
10 two years. That -- that one there is pretty unfair.
11 And Maggie talked about it.

12 The threshold for significant impact to
13 sociocultural systems is chronic disruption that
14 occurs for a period of two to five years with a
15 tendency toward the displacement of existing social
16 patterns. Use of these standards is insulting and
17 shows a clear lack of understanding of our
18 traditional cultural and nutritional needs.

19 We are willing to work with MMS to establish
20 criteria that more accurately reflects the way we
21 live and the seriousness of impacts that can occur
22 if leasing in our waters continues. MMS must also
23 meet its statutory and regulatory obligations to
24 assess the full range of impacts of its activities
25 on human health. We are ready to work with you to

1 undertake this essential assessment.

2 We also request that the federal government
3 follow up on a concern I just received from one of
4 the AEWC commission members from Nuiqsut, Archie
5 Ahkiviana, who has testified that he has observed
6 fish and seals disappearing from the area along the
7 North Star Pipeline route.

8 This concludes my comments. And I ask that you
9 listen to our comments and respond to them. And we
10 really would like to see them in the environmental
11 impact statement. Thank you for your time.

12 THE INTERPRETER: I'll try to summarize Johnny's
13 comments, his comments on Sale 193.

14 (Interpreting translating.)

15 MR. COWLES: Thank you.

16 Ma'am, have you been waiting to testify?

17 Before the next testimonies, could I just see a
18 hand of how many people are planning to testify, get
19 a sense of -- okay. As this is complete, if you'd
20 like to move forward, let's just go from your right
21 to the left side of the room and -- and use that as
22 a order. Unless there's somebody that has to
23 absolutely move quickly.

24 Okay. Thank you.

25 MS. WILLIAMS: Hi, I'm Vera Williams.

1 THE INTERPRETER: Let me do this, I suspect my
2 translations, if it mirrors something that has
3 already been said, you know, I could just allow,
4 unless it's something completely different and I
5 won't, try not to -- I'll just comment briefly on
6 each comment.

7 MR. COWLES: Thank you, Arnold.

8 Arnold has said that what he will do is he will
9 only translate for the new items that haven't been
10 covered previously, if that's all right with the
11 people here. Okay. Thank you.

12 MS. WILLIAMS: My name is Vera Williams. I'm a
13 resident of Barrow, Alaska. I'm a mother. I have
14 five children. I have kids going to college, kids
15 in high school. And I have even a grandchild.
16 And -- and MMS, I wrote -- I want to -- I'm going
17 to -- I wrote these notes. It's going to go in a
18 circle, in my little notes here. I wasn't like
19 Gordon with all the sticky notes, but I'll just say
20 what I want to say.

21 MMS and EPA plans, stipulations, and knowing
22 plans when you perform, conduct your business with
23 MMS, I know you should be thinking about people,
24 their safety, the ocean's safety. And there is
25 stipulations that are incorporated into whatever

1 documents. And I want to just talk about EPA
2 things, the booms that they use for cleanup, you
3 know, we -- it's really risking the Inupiat.

4 There's ice flows that are all around.
5 Sometimes we have no ice flows, but when the ice
6 flows comes and there's a spill, and with the
7 currents that are out there in the ocean, they just
8 don't go in one direction, but they go in different
9 directions. And if you have ice coming in this
10 direction, this direction and there's a boom, you're
11 going to have problems with trying to collect oil
12 for a cleanup.

13 Talking about the risks there is, securing
14 funding for disaster assistance, such as bonding for
15 the oil companies that you're going to issue these
16 lease sales to. I mean, I know that everything
17 won't happen overnight but these are things that I'd
18 like you to think about.

19 We are very particular people. We have picky
20 food. We have different diets, very different diets
21 than the Lower 48. And years ago I testified and
22 this -- through the grapevine, I was told that on
23 this particular section that I'm going to address
24 about our disaster assistance for food to replace
25 our food. I was told that we'd get like ten pounds

1 of beef. And ten pounds of beef won't even satisfy
2 me for a day or two, having the size of a family of
3 seven. And, you know, even a hundred pounds, a
4 thousand pounds, my hunger is still going to be
5 there because I'm going to want to crave my food
6 that I eat out from the ocean, out from the land
7 that we have in the Arctic. Those are things
8 that -- that are in me that I want other people to
9 hear. My hunger for my foods, how you are -- how
10 are you going to protect me? I mean, I'm one person
11 here. There's a lot of people out there that are
12 not here. I am just one voice that you are hearing.

13 The ocean has waves and currents, two different
14 ones, directions, so the oil spill will spread
15 vastly with lots of layers of currents. And if such
16 thing happens, you're not -- it won't just affect
17 Barrow area on Lease Sale 193, if you're going to
18 have that, you're going to affect Russia, Canada,
19 Greenland. The currents are going, they're flowing.
20 So that's the magnitude of the disaster that's going
21 to happen, if it does happen.

22 Oil sticks. It's sticky, sticky oil, just like
23 seal oil, whale oil. We know the dangers of oil if
24 it hits our beach. We love to walk the beach. Can
25 you imagine me walking the beach with oil sticking

1 on the bottom of my feet as I walk the beach I love
2 to walk?

3 You know, the dangers well, we'll have to live
4 here where the disaster will land. Our beach zones,
5 our ocean being contaminated. Earlier talked about
6 fuel, fuel prices. The other day I was in a meeting
7 that was with a lot of villagers from our North
8 Slope region. One of the villages on Anaktuvuk Pass
9 said that their gas was over 6 to \$7 a gallon. And
10 he stated, really seriously he just stated we're
11 walking. We can't afford the oil. We can't afford
12 the gas to put in our vehicles. We don't have money
13 such to put it into our vehicles. That was just the
14 other day.

15 Prudhoe Bay, the oil spill this spring under the
16 snow just creeping, who or how can you, MMS, protect
17 me, an Inupiat? Yikes, this is daring, a task, the
18 ocean, think about the ocean, the animals. The
19 ocean has animals and they are sea mammals, and
20 that's what you protect.

21 Today on TV channel a statement was just
22 goofingly just stated today and it just said, I was
23 just flipping the channels and I stopped and the guy
24 said polar bears are dying, period. He just stated
25 that to another person, just conversing, he just

1 said: Polar bears are dying. And, you know, that's
2 the Lower 48 and we are here today. And people are
3 talking about the Arctic. It's not a joke. Climate
4 is changing. Everything is changing.

5 Subsidizing the field, can MMS tell the
6 President, the President of the United States to use
7 his presidential powers to see our concerns? U.S.
8 blamed for contaminants, Canada, Greenland, Russian
9 waters. This can have a very vast effect if such a
10 oil spill was to happen. Can you hear me? The
11 taste that I would taste of our -- our food if it
12 was to change, the ache, the aches we are to bear as
13 Natives living here. I'm saying this because in the
14 future, they will not know what we've been through,
15 if it's not written. The consequences of the
16 disaster, MMS does protect polar bears, but you
17 don't protect me.

18 Make and prove to me you will address these
19 concerns. Can I request a copy of my past comments?
20 That were stated years ago when my uncle was alive?
21 Are they written? Can you prove to me you do review
22 and write our comments? Do you print comments from
23 the Lower 48, like the Gulf of Mexico? Does MMS
24 treat us equally? I don't know. That's a question
25 I'm asking you to prove to me.

1 Hundreds of miles out there, how are, or is the
2 oil to travel out the routes, the aftermath in the
3 years to come, devastation is coming just by even a
4 thought of oil going back and forth. Is it going to
5 be with submarines or is it going to be with big
6 drill rigs coming pumping right from the ocean way
7 out there 200 miles? Is it going to affect our way
8 of life, our hunting? Is all our food going to run
9 away because of all this noise, the routes? We
10 don't see big ships here, but the routes that
11 they're going to take.

12 I'm looking to the future for you to think about
13 how are you going to take all that oil away, hundred
14 miles from here? I don't want to think, but who is
15 to speak for the many that are not here? So gather
16 my concerns and use them to fix your EIS forms.
17 Thank you. And I'd like to see one day my name
18 written somewhere that I had commented. To me, that
19 will prove to me you do hear people, but I haven't
20 seen any documents that has people's names with
21 their written comments.

22 And what do you do with them? Do you read them
23 first and then just set them aside and then go on
24 with your project? How do you hear our concerns?
25 And how do you analyze them? What do you

1 prioritize? What is your priority? Are we your
2 priority or is your project more of a priority when
3 you put them into a scale of measuring the magnitude
4 of things to happen? Thank you.

5 MR. COWLES: Thank you.

6 (Interpreter translating)

7 MR. N. OLEMAUN JR: Drowned a whale couple days
8 ago in Southeast, they were tracking and whales
9 could only stay under water 15 to 30 minutes. They
10 had to track them more than 30 minutes to drown the
11 whale. And we don't know what happened when the
12 seismic testing was done here in Barrow in front,
13 from Chukchi Sea to Beaufort sea. Oh, my name's
14 Nathaniel Olemaun Junior. I'm a whaling captain.
15 And mayor of City of Barrow.

16 When they did the seismic testing this summer,
17 there was 27 ships, barges, icebreakers, out from
18 Chukchi Sea to Kaktovik. And we testify in the past
19 about the ice condition, that two icebreakers
20 supposed to help them with their seismic testing,
21 keeping the ice away, but when the ice came in in
22 force, we had nine ships in front of Barrow that
23 took shelter. Two of them were icebreakers that's
24 supposed to protect the seismic ship, continue with
25 your jobs out there. To have a trailing off

1 Beaufort is very dangerous. We talk of evil, ice
2 climbing over land, they -- they even testified to
3 it killing a family over a thousand years ago. And
4 the beach wasn't where it was right now, it was
5 probably two miles out. It came ashore to the bluff
6 two miles and killed a family.

7 Our testimonies you do not take like you
8 demonstrated to what the AEWC executive director
9 said. I was one of the captains that identified
10 feeding area outside of Barrow where our whaling is
11 held. It's not up there. What's up there is what
12 you put.

13 Like from your October 18th for immediate
14 release, news release. Today is November 16th. At
15 City of Barrow we just received these couple days
16 ago. That's -- gave us 25 days of your deadline to
17 have a testimony by November 19th and the other one
18 November 22nd, EIS to be received by November 14th.
19 When the first deadline appeared, we just received
20 notice that you had sent out the EIS. Only thing
21 this does is remind us that you're going to have a
22 hearing tonight right now.

23 It gives us five days before your next deadline
24 on the 19th and 8 days before our deadline for
25 comments and we don't even have your thick EIS book

1 that you release. Supposed to come to a municipal
2 government. That's how enclosed you are from
3 public.

4 Since I don't have anything prepared, I'll use
5 your October 18th press release, but I like to say
6 MMS come up here for public hearing and don't
7 seriously take our input into their plans nor their
8 future plans as stated earlier. MMS decides to
9 proceed with the area-wide sale because of broad
10 interest from the oil industry in the area, that's
11 your marching order. And you want to come here and
12 listen to us? We gave you past testimony. It don't
13 appear in your presentation. But we're not going to
14 stop there.

15 And it indicates Secretary of Interior select
16 final alternative. We gave you alternative, but you
17 gave it to somebody in White House to sell it,
18 alternative to tell you guys, well, we made a buffer
19 zone on the other side of the sale and just a small
20 one on this side. That's not the alternative we
21 gave you. As whaling captains, we know better. And
22 we don't go drown whales doing research. We don't
23 tell the seismic people, oh, you could kill one
24 whale under incidental.

25 I just came off a hearing because the last whale

1 I got fall under the category of IWC's recollection
2 and AWC has to enforce it. I might have been fined
3 up to 50,000. Lost my whaling right, not only
4 myself but my crew up to five years.

5 You don't give that stipulation to the seismic
6 people or when you put a sale out. If you kill a
7 whale or a walrus, polar bear that's an endangered
8 species, you will be fined. No, you don't do that.
9 You give them incidental license. How many times
10 they going use that?

11 And you give them stipulations to consider
12 before the sale with the input from many interested
13 people. We gave you input. We're more than
14 interested. Beaufort Sea is our garden, we keep
15 saying that. We have rights to hunt for the
16 endangered species because it's our culture, it's
17 our tradition. Even though you state that, you
18 didn't take it into consideration.

19 And you say these stipulations are to protect
20 the resources, including Steller Eiders and minimize
21 interference with subsistence whaling and our
22 subsistence activities. Minimize, that means that
23 the lease sale holder, the seismic people have more
24 rights than we do. You're not going to protect us.
25 You're going to tell them minimize hurting, but you

1 have a right to have one unintentional killing of
2 any endangered species. Is that minimizing? I
3 don't know.

4 You remove deferrals for critical habitat and to
5 protect subsistence hunting areas from potential
6 impact of development. You never have moved
7 deferrals we suggested. Only thing you did was send
8 out 27 ships, even icebreakers from Canada. Is that
9 minimizing? And here as a municipality, we weren't
10 told they were going to use the airport and send up
11 supply ships to land in our municipal reserve.

12 We talk about the noise issues, chopper, two
13 choppers, maybe three, making four trips every day,
14 that's 12 trips. And the supply ship landing with
15 no permission in the municipal reserve right in
16 front of Barrow. We removed the boat ramp they were
17 using. We told them that's for subsistence boat use
18 only. It's not for landing for supplies. They
19 laughed at us until they found out we were serious
20 and they couldn't land. Then they had to come to
21 the municipality, to City of Barrow and negotiate.

22 They think the permit you guys give them gave
23 them a right to interfere with the local
24 municipality, the local subsistence hunters. Their
25 rights are taken away. Here's your permit. That's

1 exactly what you are doing.

2 And here we testify, we fight. We are -- we
3 have to follow IWC ruling, like I have just stated
4 earlier, I almost lost my right to be a whaling
5 captain or my crew to be whalers anymore. You guys
6 don't have any rules to follow. You make up your
7 own rules and put it in your press release and your
8 EIS and giving us deadline.

9 I don't know of any subsistence hunter that has
10 a deadline when he goes out to hunt. We don't know
11 of any deadlines. But I am getting sick and tired
12 of late communications, short time notice. I don't
13 even have a prepared statement other than what you
14 have given me to use against you. You release it to
15 benefit yourself, but it can't be used against you
16 because we know it's not, it's infringing on our
17 rights as Inupiat and under ICC, which has a
18 relationship with United Nations.

19 You can't even try to have a lease sale in
20 Northwest Passage because you're going to have
21 nations against you, Canada, Greenland, Denmark,
22 Finland, Norway, whoever proclaim they own Northwest
23 Passage, but you do it here in front of us from
24 Kaktovik all the way down to Point Hope where we're
25 trying to continue living our subsistence way of

1 life.

2 Our employment is very poor. It's always been
3 very poor. That don't stop us from doing
4 subsistence hunting, because with no job you have to
5 live off land and like the ducking, they tried to
6 make our community stop hunting ducks in summertime
7 because it was after the closage of duck season in
8 Southern Alaska or Lower 48. So the whole village
9 went out duck hunting and tried to convince the
10 police officer to be arrested. Too bad we can't
11 pull up the whales and demonstrate and say, here,
12 take me, but we already have a law on that.

13 We go by quota system. We go by whatever rules
14 they tell us to follow. And we negotiate to make it
15 work up here. That's what you need to do, negotiate
16 with us to make it work together. Thank you.

17 MR. COWLES: Thank you.

18 (Interpreter translating.)

19 MR. EDWARDSON: My name is George Edwardson.
20 And I live here in Barrow. Lived here all my life.
21 And I don't represent anybody, just me and my
22 family.

23 And when you look at this community or the eight
24 North Slope communities, 84 out of every 100 is my
25 relative in the North Slope. Three out of every

1 four around the NANA region, that's my family.
2 Education-wise, I'm a geologist, got a degree in
3 mining and petroleum technology. You tell me a
4 resource, I can go find it, develop it, finance it,
5 take it out. That's my education. I'm also
6 probably the only certified gas field operator in
7 Alaska. These are my educations in your system.

8 To start off with, we're looking at the Arctic
9 Ocean. And when you look at the Arctic Ocean in the
10 eyes of the world, it's classified as a historical
11 sea. That's the definition the world gives my ocean
12 I feed myself off of.

13 And under that definition, I'm the only one that
14 live here that can make rules and what can happen in
15 that ocean. The United States says they take care
16 of us, therefore they can talk about, you know, what
17 they want to do in the Arctic Ocean. This is
18 written in international law. These are rules you
19 have to follow.

20 And you hear our big fear about oil spills.
21 Okay. Let's take a look at that oil, that crude
22 oil. When you put it in the water, about 80 percent
23 of it goes into solution, you know, the gasolines,
24 methanes, the lighter ends of the crude oil goes
25 into solution. And when we talk about cleaning it

1 up, or you talk about cleaning it up, you're only
2 taking off what you could take -- see from the top,
3 even though you do not have the capability of
4 cleaning it.

5 1968 I worked for Pan American Petroleum. I was
6 in charge of the first cleanup boat that ever came
7 to the state of Alaska. I had to change it so it
8 could stay afloat in our ocean, in our waters. That
9 technology that was used in 1968, we're in 2006, it
10 has not changed. The ability to clean it up, what I
11 modified in 1968, it has not changed today. It's
12 over 40 years later. And you don't even have any
13 way of cleaning. I mean, these are plain facts.

14 And then you look at the ocean where you're
15 proposing to drill, over in the Chukchi side. Do
16 you know where the first oil spill is going to land
17 on land? No, you don't. But the older people can
18 tell me. They already showed me. All the wood that
19 comes washing in the ocean from Siberia, down the
20 western side of Alaska, eastern side of Siberia, all
21 the way down to Japan, they hit -- they start at the
22 point, 11 miles up and continues going back to the
23 west. So you have a major spill, this town will be
24 polluted. You can't clean it, because you don't
25 have the capability.

1 And from as far as I can see, United States has
2 not gone to the United Nations to ask permission if
3 they could go out there.

4 You listen us people that live here in the
5 Arctic. This is our home, always have been our
6 home. We watched your first boat come over, you
7 know, with what's his name, Columbus. We were
8 already here living off our ocean. We looked at the
9 wood, we could tell you where that piece of wood
10 came from.

11 Now, you go to the coast and look at those big
12 driftwoods, rotten on the outside because they've
13 been sitting there for over 100 years. If you cut
14 them open, the sap in that tree will start flowing.
15 That is protected because of the cold. You can make
16 a big pollution in the warmer waters where the
17 lighter ends of the crude oil can vaporize and leave
18 the ocean. Up here in the Arctic Ocean you can't,
19 it won't vaporize. Water temperatures from 24 to 29
20 degrees, it stays there year round. So whatever
21 pollutants you put in my ocean will stay in
22 solution. And that's a real killer. That's a
23 killer of our low end of our food chain. Ten to 15
24 years later, then it's going to hit me because the
25 animals will disappear. These are plain facts of

1 life, okay.

2 You went to your schools, you graduated. I went
3 to the same schools, I graduated with a B-plus
4 average, so I know where you're -- what your
5 education is. I know what level it is, because I
6 went there. And when you look at the ocean,
7 especially the Chukchi side, when the salmon is
8 hatched in any river, it doesn't matter if it's in
9 Alaska or Canada, when that salmon hits the ocean,
10 the so-called free world, your world, does not know
11 where that salmon go. I do, because when we're
12 hunting, sometimes we detour up to ten miles around
13 that school of fish, juvenile salmons that we can't
14 take our boat through. We know that.

15 And, as I mentioned earlier, you can break the
16 world's fisheries into three sections, the great
17 new -- over between the Eastern United States,
18 Canada and over on the European side, that fishery
19 is gone. It's been fished out. That's one-third of
20 the world's fishery. The other third of the world's
21 fishery is the Pacific Rim, population got so big,
22 they're running out of fish.

23 Now you are in the last third of the world's
24 fisheries. You destroy that fishery, then the world
25 has no more fish to eat. And you're going to take

1 the responsibility, because you are authorizing them
2 to go drill out there. And it's no if or -- it's no
3 accident about having a spill. You guaranteed us
4 two-and-a-half spills in the 50-years plus of your
5 development. Two major spills, and that solution
6 with the crude oil in it goes around, every ten
7 years it comes back to me in the rotation. And it
8 doesn't leave.

9 And then the other half, two-and-a-half spills,
10 you're going to kill everything that's in the ocean,
11 without a doubt. Because the lighter ends of the
12 crude oil cannot vaporize and disappear like they do
13 in the tropics. You can't -- you -- replace, you
14 know the food I need, I need the animals up here
15 because my body does not have a capability of making
16 the fat that allows me to live here. So I have to
17 borrow that fat from the animals that are here so I
18 can stay. Without it, I have to migrate south. And
19 you see the world you put us in?

20 (Interpreter translating.)

21 MR. COWLES: By my last show of hands, I think
22 we have a couple more people. If you show your
23 hands again, I can get a rough estimate.

24 Maybe we should take a break, then because it's
25 been another hour, it's a little bit after 11:00,

1 so --

2 MR. SUYDAN: Why don't we keep going.

3 MR. COWLES: Okay.

4 Yes, sir.

5 MR. TUKLE: For the record, my name is Frederick
6 Tukle Senior. What I wanted to talk about tonight
7 on the level of activity, (indiscernable). But I
8 wanted to elaborate a little bit on the statement
9 right here. We have many affidavits from our
10 whaling captains testifying to the damage to their
11 hunting from the high levels of activity during the
12 1980s and early 1990s. Just as happened then, we
13 will not be able to have successful hunts. Whales
14 will be lost and our hunters will be put at serious
15 risk. During that time hunters lost equipment and
16 boats and some almost lost their lives because they
17 had to travel so far out to the ocean.

18 This statement right here, when Maggie
19 elaborated on the Nuiqsut whalers, I'm one of those
20 Nuiqsut whalers that was whaling during that time at
21 Cross Islands. And then -- that there was three
22 whaling captains that time, that -- that -- we were
23 out there in 1989.

24 We first became aware that seismic operations
25 were being done in Canada. How we came to find that

1 out was we started seeing different kinds of ducks
2 and geese that we never seen before around the Cross
3 Island area. And then this was where we Nuiqsut
4 whalers became aware in 1989 that the birds were
5 already being affected from the seismic operations
6 and in the Canada area.

7 The sequence of events that I'm about to talk
8 about may not have happened in the order that
9 they -- that that I'm going to talk about. Right
10 about that time we ran into the seismic ship that
11 was actually conducting these seismic activities in
12 the Flaxman Islands area near Camden Bay.

13 And for a several-week period just while we were
14 whaling, we could not -- for the record, I was
15 whaling with Thomas Napageak, the past AWC
16 commissioner, Patrick Tukle and also Captain Donald
17 Tukle. And one of my first experiences was, with
18 this seismic ship was when we ran into -- we
19 actually ran into the ship while it was conducting
20 these explosions. And that was when we realized,
21 for this reason for a three-week period we wasn't
22 even able to spot -- I think we spotted one whale in
23 a three-week period.

24 I witnessed some things that happened that you
25 guys need to be aware about. And then one of these

1 incidents was when -- I'm going to talk about -- I'm
2 going to be alluding to the behavior of the whales.
3 And then my first contact I ever had with a whale
4 after we ran into the ship and this was near Narwhal
5 Island, I had witnessed a whale that was very
6 agitated. I come to realize these -- the whales
7 that we were running into were very angry. And when
8 Thomas Napageak engaged this whale right in front of
9 me about, say, from this wall to where Ben Hopson,
10 our past mayor's desk is, the whale had attacked his
11 boat right in front of us. And then what, we
12 couldn't understand why these whales were very
13 agitated and angry.

14 But another incident that I want to point out is
15 I'm glad some people testified regarding my uncle
16 Archie Ahkiviana. When we realized we couldn't spot
17 any whales, we went direct north that, during one of
18 these hunts and we finally spotted a whale 31 miles
19 direct north of Cross Island. I started
20 witnessing -- I stared realizing that we were
21 encountering whales that were very angry. And how I
22 got to know this was these -- as we began to engage
23 these whales, that they were quickly turning on us
24 and trying to get us. And then -- and then this
25 happened every single time we encountered these

1 bowhead whales.

2 Archie Ahkiviana, at that time, caught his first
3 whale 30 miles direct north of Cross Island. And as
4 we were towing the whale back to Cross Island that
5 time, I would say this was in very close to -- might
6 be 1990. As we were towing the whale, we knew we
7 were in dangerous waters. We were going direct
8 north to where our elders always tell us not to go.

9 And so anyways, while we were towing this whale
10 18 miles north of Cross Island, we got caught in
11 50-mile-an-hour winds. We seen this wind coming
12 from the west direction. And then when this wind
13 hit us, automatic -- our tow line -- that -- that we
14 were using snapped. This was when the Patrick Tukle
15 boat from the wind when we had -- we were forced to
16 stop. And all the boats that had stopped that they
17 were blown back from these winds. And then that was
18 when I witnessed the first mayday call of our Tukle
19 boat.

20 There were three boats that time that took in
21 water. One was Archie Ahkiviana boat, another one
22 was the Frank Long boat and other was the Patrick
23 Tukle boat. It was the Tukle boat that was last.

24 When we realized that we were not able to save
25 this whale, we abandoned it. I can't tell you how

1 much that hurt to be helpless like that. We
2 suddenly realized our lives were in danger, we had
3 to -- we had to quickly go save my uncles and then
4 my relatives and get -- we were lucky to have saved
5 them that time.

6 As time went by during this whaling period my
7 captain, my whaling captain, Donald Tuke, died in a
8 whaling accident. I realized Nuiqsut whalers were
9 becoming desperate, absolutely desperate, so we
10 could be able to bring food home to our families.
11 Almost like you guys going out there and hunting
12 with your families.

13 The other thing I kind of want to bring out to
14 you guys is when I listen to my whaling captain give
15 a mayday call that he was going down, what led up to
16 this accident I realize was his desperation to catch
17 a whale. It happened at about 1:30 in the
18 afternoon, very close to this late 19 -- not exactly
19 sure what year it was. But to be able to listen to
20 your captain, and on a mayday call that we have gone
21 down. I realize all of this is related to the
22 seismic activities that's being conducted. He was
23 transporting supplies from the west dock area and
24 his boat, in the process, was shattered on --
25 underneath of the boat going, traveling through thin

1 ice to, traveling from west dock to Cross Island.

2 When the oil companies and North Slope Borough
3 search and rescue responded, the chopper that was
4 used, the North Slope Borough chopper that was used
5 to attempt a rescue that time, the blades were too
6 big. And as they went down to try to retrieve my
7 captain and my shipmates, that wind from the blades
8 kept blowing them away. And they wasn't able to
9 pull them out.

10 Then the Era chopper at that time responded,
11 because it was a smaller chopper, that they were
12 able to rescue two of the -- two of my -- my
13 shipmates, one Robert Lagpy (phonetic) Senior and
14 one Roger Anakuva (phonetic) of Nuiqsut.

15 I realized after a while that -- that these
16 boats that are staged in the Prudhoe Bay area, there
17 was an attempt to use these oil response boats to
18 rescue him. And then through this -- this thin ice
19 that that was formed, there was not able to launch
20 these boats that are supposed to be used for oil
21 response.

22 I testified on this one time before. These are
23 the same boats that are there today. I have to
24 wonder if these boats were not able to save my
25 captain, what makes you think that these boats are

1 going to be able to respond to a major oil spill?

2 This activity drove us to be desperate. And
3 then I realized what I am looking at was whales
4 ready to hurt us the moment we engaged them. But
5 I'll tell you how my captain was actually rescued.
6 One of these pilots in this chopper, he -- when they
7 were able to finally reach my captain, he attempted
8 to pull him into the chopper. And my whaling
9 captain is telling him: Pull. Pull with everything
10 you got. But he wasn't able to hold him. As they
11 were going up in the air, he fell. And they went
12 down again and they had to tie a rope around him.
13 And then they had to tie this same rope to that
14 little landing deal these choppers have. And that's
15 how they took him to land.

16 When I think about this, and I'm looking at you
17 guys sitting here, telling these Barrow people that
18 that -- that the impact will be minimum, I -- I
19 think I could honestly call you a liar. You're
20 lying to my people. And -- and I -- I first time
21 became aware of this meeting happening, and then I
22 knew to come here and share with you little bit of
23 what I got to see that time.

24 I, too, have watched Nuiqsut residents, elders
25 testified over a 20-year period until they died,

1 until we are -- we are sitting there burying them,
2 giving testimonies to meetings like this. I often
3 talk to Barrow leaders and tell them that you guys
4 are going to continue to keep coming this way, the
5 same way you did Nuiqsut residents. And when they
6 die trying to protect our lives, and then you're
7 sitting here and I'm seeing the exact same thing
8 happening that happened with us in Nuiqsut.

9 I'm very angry that you guys are sitting here.
10 And I consider you a direct threat to my elders, to
11 our children, to everything that we live for. And I
12 don't appreciate some of the comments you've made
13 and then how you guys quickly get around to what
14 we're trying to do. When I think about this, I have
15 to think about human rights issues. And in my eyes,
16 this has become a human rights issue.

17 The fact that you're sitting here, I consider
18 you a grave threat, even as I'm making my comments
19 to the people of Barrow, to the Eskimos, to
20 everybody Eskimo that lives here, when I think of
21 what if you were in my shoes and you go out hunting
22 with me, with your family and come back and have to
23 bury them, it's almost as though I'm going to my
24 storehouse out there, to my garden for -- and I'll
25 give you an example of what I am living right now.

1 Right now I am not working. Right now I am totally
2 dependent on Inupiat Eskimo food.

3 And I -- and I got to look at this for a while
4 since that time and when I listen to my elders
5 saying, I'm hungry, I wish I had Eskimo food, and I
6 watch some of them get skinny in Nuiqsut. When I
7 look at some of these documentaries of starving
8 people around the world and they have this certain
9 look in their eyes, and they are dying, I couldn't
10 see the difference between who my elders are,
11 hungry, and looking in the eyes of these starving
12 people, like people in Africa.

13 I am glad to have shared with you guys a little
14 bit of my life. I -- I think I'm speaking a little
15 bit as Inupiat Eskimo and as Nuiqsut whaler and in
16 the last few years had the opportunity to whale in
17 Barrow. You can't tell me you're going to minimize
18 these effects. I will not accept that.

19 And in closing, I just would like to say I stand
20 by every testimony that everyone stood right here
21 and I stand by them, and I carry these experiences
22 of the seismic operations.

23 One last thing I am very concerned about is
24 these (inaudible) that are -- that are starting to
25 accumulate across the -- the oceans from here to

1 Canada -- during this time of my whaling in Nuiqsut
2 I got to watch the -- the flare by Endicott. We
3 were transporting our whale meat and our -- the
4 muktuk, the whale blubber to Endicott. It was
5 during this time the water was like glass. There
6 was absolutely no wind. We got within a three
7 mile -- from starting three miles out of Endicott,
8 we start seeing these blue dots of gas. So we
9 marked it on our GPS. And then when we got to a
10 two-mile period, we noticed these drops of gas were
11 something like that.

12 And when we got to within one mile of Endicott,
13 the whole entire area within a one-mile radius was
14 covered with gas, directly from this flare pit.

15 I have to wonder how far you guys are going to
16 go. And I do consider your sitting here a grave
17 threat to my Barrow people. That's all I have to
18 say.

19 MR. COWLES: Thank you, sir.

20 MR. SHEARD: My name is Whit Sheard and I live
21 in Palmer, Alaska.

22 I'll wait until you guys are done.

23 All right. I work for Pacific Environment, a
24 nongovernmental organization. We work a lot in the
25 Russian Far East. As I said, I live in Palmer. I'm

1 the Alaska program director. And I'd like to
2 comment on the proposed program, the proposed
3 program EIS and the Chukchi lease sale EIS.

4 You know, sitting here and listening to folks
5 talking, I kind of wonder how you can come and say
6 that you've got, you know, an EIS that looks at
7 alternatives to a proposed program. It's obviously
8 a done deal. Every single alternative offered in
9 this environmental impact statement assumes they'll
10 be leasing in the Chukchi and Beaufort Sea.

11 It's very disturbing to me. It's -- coming in
12 here and saying we're, you know, zoning most of the
13 Arctic Ocean for oil and gas development, and if you
14 want whale deferrals, well, you need to come in and
15 pick those little areas out of this, basically,
16 uniform zoning. I think that's insulting.

17 I think the program, the proposed program, in
18 many ways, is shortsighted. I have a hard time
19 believing that it's the policy of the United States
20 to go to a place most impacted by global warming, by
21 greenhouse gas emissions and our use of fossil fuels
22 to extract more fossil fuels in order to perpetuate
23 that cycle. It's ironic, but it's not funny.

24 In terms of environmental justice, the Alaska
25 portion of this program is off the charts in terms

1 of disproportionate impact to minority communities.
2 I was flipping through the EIS and I saw that the
3 Alaska region has maybe three to ten percent of the
4 oil that the Gulf of the Mexico region has. And, to
5 me, I don't know why there was no attempt in this
6 program to figure out how we can reduce our
7 consumption by three to ten percent or replace it
8 with alternative means of energy that are available
9 and avoid all of the impacts to subsistence cultures
10 altogether.

11 I think that you looked to countries, like
12 Norway, who have been dealing with this for a little
13 while. I think some of the engineers get excited
14 that there's technology out there that can be used
15 in these cold-water climates. I think we've heard
16 from folks in the community and from scientists that
17 we can't clean up spills in broken ice conditions,
18 yet the program says there will be, I think three
19 major spills, two-and-a-half, three major spills
20 across the Beaufort and Chukchi.

21 So we're going to have spills and we can't clean
22 them up. I think we're a little -- getting a little
23 ahead of ourselves. And I had the good fortune,
24 someone called me earlier this year and asked if I
25 could go to Norway and meet with some of the folks

1 at their pollution prevention agency. And we sat
2 down and they showed us their new program for
3 development in the Barents Sea. And it was a
4 comprehensive zoning program.

5 It had areas for fisheries that were off limits
6 to oil and gas development because of the impacts of
7 seismic and the impacts of the pollution. If we
8 were going to do that, you know, in Alaska, that
9 would be pretty much right where the North Aleutian
10 Basin sale is planned. That's cod alley. That's
11 the heart of the fisheries right there. You can
12 pretty much follow the life cycle of the red king
13 crab right through that area. It makes no sense to
14 me.

15 And I can't see going ahead with anything like
16 this without having taken a comprehensive look at
17 zoning and put biologically important places off
18 limits, putting cultural and subsistence areas off
19 limits. You don't plan for all oil gas development
20 based on where industry interest is and turn around
21 and ask people to comment on whether that conflicts
22 with what they want to do. You bring everybody to
23 be table beforehand.

24 That being said, you know, the environmental
25 impact statement itself is supposed to look at a

1 wide range of alternatives. As I said, every single
2 alternative includes the Beaufort and Chukchi.
3 There's one alternative that would defer the small
4 buffer there on the coastline. And I suppose that's
5 to be applauded, but to me a real plan would look at
6 alternative areas in producing that oil and gas from
7 different places.

8 You know, in terms of environmental justice, it
9 seems to me like the majority populations along the
10 East and West Coast have the political power to keep
11 this development and its pollution off their shores,
12 and that the folks up here are not afforded that
13 same level of respect or that same level of power.

14 Been coming to a lot of these meetings over the
15 last couple years and folks have been saying the
16 same thing: Too much, too soon, too fast. And,
17 quite frankly, I don't see it slowing down. And
18 that's probably why, you know, we're here at this
19 meeting commenting on three different things.

20 The conclusions in the EIS are startling in some
21 spots. And I guess I should praise you at some
22 point for having been honest occasionally. And I'd
23 like to read a couple of the quotes from the
24 environmental impact statement.

25 In terms of subsistence, the document says:

1 Significant cumulative effects on subsistence
2 resources are possible and likely. It also says
3 that during the 2007 to 2012 leasing program, the
4 cumulative impact of one or more important
5 subsistence resources becoming unavailable,
6 undesirable for use or greatly reduced numbers for a
7 periods of one or two years for one or more Alaskan
8 coastal community is very likely. Somebody's going
9 to use lose their subsistence rights for at least
10 one or two years.

11 Number 3: Oil spill events could have moderate
12 to major cumulative effects for this region.

13 Well, we've heard that over and over again.

14 Number 4: Because of rapid and long-term
15 impacts from climate change on long-standing
16 traditional hunting and gathering practices that
17 promote health and cultural identity,
18 subsistence-based communities could experience
19 significant cultural stresses, in addition to major
20 impacts on population, employment and local
21 infrastructure.

22 If present rates of climate change continue,
23 rapid and long-term impacts on subsistence
24 resources, subsistence harvest practices and the
25 traditional diet could be expected.

1 So what I'm hearing is that there's going to be
2 an exponential impact on subsistence, not only is
3 there going to go direct impact from pollution, but
4 as the stresses from climate changes in this region
5 continue, it's going to have a profound effect,
6 increasing that level of impact.

7 And, you know, after making all those
8 statements, you come to the last paragraph of that
9 section of the EIS, which is on subsistence resource
10 impacts, which has listed those five significant
11 impacts and says all of these are major impacts.
12 And then the final conclusion is that the effects of
13 OCS activities on subsistence, quote, could vary
14 greatly, but are expected to be small.

15 I don't understand the connection between
16 finding again and again that there's going to be
17 spills, that they can't be cleaned up, that
18 subsistence is going to be impacted, some
19 communities are going to lose their rights, and
20 these are small impacts.

21 And I think what it really comes down to for me
22 is in terms of environmental justice, in terms of
23 treating folks up here with respect for their
24 traditional use and access and with the same rights
25 as, you know, the rest of the country, MMS says, you

1 know, there are going to be, in subsistence-based
2 indigenous communities, we expect them to experience
3 disproportionate, highly adverse environmental
4 health effects.

5 And my question is, when you go back to DC
6 can -- can you take the message back there that this
7 is a small percent of the resources available to us
8 in terms of fossil fuel development, yet the impacts
9 are nearly catastrophic for cultures and communities
10 here if what happens is what you're saying is going
11 to happen, until you get to the final conclusion
12 when, somehow, you determine that it's not going to
13 happen.

14 So my comments are: Go back to the drawing
15 board on this plan. Figure out, if you substituted
16 the California Coast for the Alaska Coast, how many
17 resources would we lose? An environment impact
18 statement, you're supposed to be able to look at
19 different alternatives and look at the tradeoffs.
20 Now, if you look at the impacts to California, you
21 can list a bunch of economic impacts and things like
22 that, but it would show that basically that what
23 you're doing with your program is, you're deciding
24 specifically to go somewhere where the impacts will
25 occur on a minority population and they will be

1 substantial and they will be disproportionate.

2 Without any kind of analysis like that, you
3 can't really expect the decision-maker or the public
4 to learn of all the environmental tradeoffs as well
5 as the social tradeoffs.

6 So, you know, look at a program that takes the
7 Arctic out of there. Look at a program that takes
8 Bristol Bay out of there. Tell me if those
9 resources can be replaced or taken somewhere else
10 and tell me if the impacts on these communities can
11 be avoided altogether, because without that
12 analysis, the document is basically just a blueprint
13 for, you know, spin the wheel which subsistence
14 community is going to lose.

15 So in comments on Sale 193 obviously, I think
16 the cart is before the horse. Obviously maybe
17 that's why the Chukchi is included in every single
18 alternative offered to the Secretary, is because
19 we're already going forward and getting ready to
20 lease areas in there. I don't think you can do that
21 under the National Environmental Policy Act and I
22 don't think opening the Arctic offshore areas which,
23 you know, in the Chukchi there's no active leases.
24 This is a major undertaking. And I think the,
25 undertaken too lightly.

1 Thank you.

2 MR. COWLES: Thank you.

3 MR. SUYDAN: Good evening, my name is Robert
4 Suydan. I'm a wildlife biologist with the North
5 Slope Borough Department of Wildlife Management.
6 I've lived in Barrow for, going on 17 years and
7 spent a couple years up here before that. And I'd
8 like to thank MMS for being here to listen people.

9 And, as many people have said tonight, that, you
10 know, we feel like we say these things over and over
11 and over again and they don't get heard. And I'm
12 not optimistic that this situation will be
13 different, but hopefully if people keep saying it
14 often enough, that MMS will actually hear and
15 respond to the concerns that the people are
16 expressing.

17 Personally, I'm in favor of the no-action
18 alternative. I don't think MMS should open up the
19 Chukchi or the Beaufort Sea any more than they
20 already have to oil and gas. And I feel that way
21 for a couple of different reasons. One, as many
22 people have said, that industry and agencies don't
23 have the ability to clean up oil that's spilled in
24 the Arctic Ocean. It's not possible to do. Another
25 important consideration is there are huge data gaps.

1 There are huge unknowns in the Chukchi Sea,
2 especially, but also the Beaufort, on simple things
3 like what's the basic distribution and abundance and
4 habitat use of the resources that are out there that
5 are important, not only for the nation, but
6 important for the subsistence users?

7 We don't have that basic information. And that
8 basic information is incredibly important for making
9 reasonable assessments of what the impacts might be
10 from oil and gas activities on the offshore areas,
11 but also coming up with reasonable mitigation
12 measures. So that's why I am in support of the
13 no-action alternative.

14 However, I know that that's not realistic. The
15 administration and Washington DC wants oil and gas
16 development to go ahead, to go ahead very quickly
17 and without regard, in my opinion, to many of the
18 environmental aspects of development.

19 So -- so knowing that the no-action alternative
20 is not really an option, it's not realistic, I think
21 that there needs to be huge areas in the Chukchi and
22 Beaufort Sea that need to be withdrawn from the
23 leasing. These areas include deferral areas around
24 Kaktovik, around the Barter Island, Kaktovik, around
25 Cross Island for the Nuiqsut whalers, around Barrow

1 and around each of the villages on the Chukchi Sea
2 coast for all of their subsistence activities that
3 go on.

4 The Secretary has proposed a 25-mile withdrawal
5 or deferral zone. I am not sure what the right term
6 is. But the Secretary has proposed this zone to not
7 be leased. And I think that's a step in the right
8 direction, but it's not enough. You know, the
9 biological opinion that came out 15 or 20 years ago
10 suggested it be more like 30 or 40 miles in order to
11 protect bowhead whales. And perhaps going out 60
12 miles is actually even better to protect those
13 resources. Let oil development, if it's going to
14 happen, go out there. You know, try to balance
15 these important subsistence resources with
16 development.

17 Jim, I want to thank you for coming up here.
18 And earlier you made a statement that the most
19 current and the best science was used to develop the
20 draft EIS for the five-year plan. And I don't want
21 to be insulting, but I also need to be honest, and
22 say that the draft EIS for the five-year program has
23 some major problems. Because you said that the best
24 science should be used, but, unfortunately, that's
25 not what has happened.

1 The specifics -- we'll provide many specifics to
2 MMS in writing about some of those problems. But,
3 essentially, the draft EIS is incomplete and
4 inadequate. Some of the most important studies that
5 have been done in the last 10 or 15 years are
6 completely missing from the EIS. And some of those
7 studies are actually ones that MMS has even funded.
8 And I just don't understand why that has occurred,
9 because MMS has used some of those studies and used
10 some those references in previous EISes or in
11 previous EAs. So there's some major -- major gaps,
12 major inadequacies.

13 Some of the specifics, Western Geophysical and
14 BP did studies on the effects of seismic on bowheads
15 whales. And all of that information is not in this
16 EIS. Also BP has done a tremendous job of
17 monitoring impacts from North Star production island
18 and the noise that they're producing and deflecting
19 bowhead whales. That information isn't in this
20 drafts EIS.

21 Somebody mentioned polar bears earlier, polar
22 bears drowning. Again, a study that MMS did, and
23 that information I haven't been able to find in the
24 EIS. I'm not sure if it's there.

25 The critical habitat for spectacled Eiders in

1 the Chukchi Sea is mislabeled, is misidentified as a
2 wintering area. The birds don't winter anywhere
3 near that spot. In the marine mammal section for
4 the Arctic subregion, belugas were left out for some
5 reason. Gray whales were left out for some reason.
6 Huge data gaps that just -- I just can't fathom.

7 There are statements made in the EIS that are
8 made without supportive data. One such statement is
9 sounds effects on whales, industrial sounds, are
10 only short-term. There are no data to say
11 whether -- what the duration of the effects from
12 sound on whales are at all, that repeatedly there
13 are statements made in there without supportive
14 data.

15 References aren't provided, or often the
16 references refer back to a previous EIS or previous
17 EA. And to me that shows that MMS is under intense
18 pressure to get this stuff out quickly and doesn't
19 have a time to do an adequate job in developing an
20 EIS. And my guess is that's because there's a lot
21 of pressure from Back East to make sure that these
22 things get out quickly.

23 But it means -- by getting out quickly it means
24 they are not done thoroughly or adequately. It
25 means that the decision-makers, the Secretary, the

1 decision-makers and the public can't adequately
2 assess what the impacts might be and can't
3 adequately make comments or make decisions about
4 what should happen in the Chukchi and Beaufort Sea.
5 This is a flaw that really needs to be corrected in
6 this draft EIS, that the -- the specific and the
7 original scientific studies that have occurred to
8 assess impacts need to be referenced and so that
9 people can go back to the original documents and not
10 go back to previous EISes.

11 Finally, the comm -- the cumulative case is also
12 lacking or the assessments of the cumulative case.
13 Many people have talked about it tonight. And just
14 to sum -- some specific examples of how it's lacking
15 is that many of the activities, the human activities
16 that are occurring in the Beaufort and Chukchi
17 weren't even listed as being part of the cumulative
18 case. Oil and gas activity in Canada wasn't
19 included.

20 The seismic work -- the seismic work that
21 occurred in 2006 and that's proposed for 2007 wasn't
22 included. The increasing scientific activity to
23 assess climate changes in the Arctic, that wasn't
24 included. The coal mine that is likely to be
25 developed down near Ledyard Bay, down near Cape

1 Lisburne wasn't included either. International
2 shipping seemed to have been missed as well. All of
3 these things are ongoing or very foreseeable as to
4 be human activities here in the Arctic.

5 So, in summarizing my feeling about the draft
6 EIS is that it is inadequate, it's flawed and it's
7 not suitable for making realistic decisions, you
8 know, whether it's by the Secretary or whether it's
9 for the public to make comments to MMS, that the --
10 it really needs to be reworked.

11 Last spring the mayor of the North Slope Borough
12 Mayor Edward Itta, at an open water meeting said the
13 activity that's going out in the Chukchi Sea and the
14 Beaufort Sea is happening, it's too much, it's too
15 soon, it's too fast. And as another example of
16 that, as we're standing here tonight, we have two
17 EISes, the five-year EIS, Lease Sale 193, we have
18 the five-year program, these are big documents.
19 They're not easy to -- to review.

20 You guys just came back from Point Hope and
21 Point Lay and have been to other villages. I'm sure
22 those people didn't even have copies of the EISes.
23 It's like, how can a small community review all of
24 these documents that you're producing? And these
25 are just some of them, there's going to be another

1 EIS that you haven't mentioned tonight that will be
2 out sometime probably in January or February or
3 March to permit seismic work in the Chukchi or the
4 Beaufort for 2007. So there's yet another document
5 that's going to be big that we're going to have to
6 review as well.

7 We'll also have to review the monitoring plans
8 for each of the companies that are going to be doing
9 work out there. You're basically overwhelming us.
10 Okay? It's not fair to the people up here. There
11 aren't enough people. There's not enough time to
12 review all the things that you're putting out. And
13 then when you throw on BLM and what they are doing
14 onshore or what the State might be doing onshore,
15 near shore, it's just overwhelming.

16 So my suggestions to MMS is that we need to slow
17 down. This is probably to the federal government,
18 to the administration, we need to slow down. Too
19 much is happening too quickly. And we need to slow
20 down because we need to fill the huge data gaps. We
21 need to understand what's happening in the Chukchi
22 Sea for the wildlife resources, you know, the
23 resources that the people up here depend on. We
24 need to understand what the possession impacts are
25 going to be and we need to understand how the

1 habitat's used and how we can mitigate the impacts
2 if we're going to go forward and develop this area.
3 Okay? We need fill those data gaps.

4 We also, the government needs to require that
5 the companies figure out how to clean up spilled oil
6 out here, you know. A ship could dump oil
7 accidentally, you know, or exploratory well.
8 There's lots of ways that oil could be spilled and
9 companies need to be able to clean it up.

10 Until those things happen, MMS needs to limit
11 the amount of activity that's going on out there.
12 Again, I would prefer that there was no oil and gas
13 activity, but knowing that that's not realistic, we
14 need to limit the amount of activity so that we
15 don't have these profound effects that we may never
16 be able to recover from. And not just effects to
17 whales or the birds, but especially effects to the
18 people. We're talking about a unique culture up
19 here that is threatened with all of this activity.
20 And to lose that would just be horrible. I mean
21 there's -- the words -- I can't come up with words
22 that are strong enough for the loss that that would
23 give.

24 So again, I guess in closing, I just plead that
25 you actually listen to people this time. You know,

1 people come -- we go to lots of public meetings and
2 public hearings and we give lots of testimony, but
3 you need to listen to people.

4 I was at a workshop just a couple weeks ago on
5 Chukchi monitoring. And about a hundred people in
6 the room trying to give MMS some recommendations on
7 what needs -- what study needs to occur in the
8 Chukchi Sea. And as I looked around the room, I
9 noticed I was the only person in the room from the
10 Chukchi Sea planning area or from adjacent to it.
11 Where were the people from the North Slope? Where
12 were the people -- why weren't people from the North
13 Slope brought down to help provide guidance and help
14 tell MMS what were the important things to look at
15 and to study?

16 And so I ask you again, please listen to the
17 people up here. It's incredibly important for lots
18 and lots of different reasons. So thanks again for
19 being here tonight. And again, I hope you do -- do
20 listens. Thanks.

21 MR. COWLES: Thank you, Robert.

22 MR. GEORGE: Good evening. I'll be brief. I
23 think you've heard a lot of good comments and it's
24 really interesting information. And I don't have a
25 whole lot to add, frankly, I think it's been

1 emphasized that this is a calving area -- I'm losing
2 my voice -- that, I think that was mentioned the
3 bowheads do calve along the coast. And probably a
4 major portion of the calving does take place within
5 the -- within the proposed lease area.

6 And the other thing I'm not sure was mentioned
7 that the migratory route is constricted here, so if
8 there's an accident that occurs, for instance, along
9 the Chukchi coast, you have the potential to
10 intercept a large portion of the bowhead population.

11 Then we heard another -- I want to, if I could,
12 get something clarified from this -- this document.
13 And in it is a section on marine, relative marine
14 productivity. And in it the Beaufort Chukchi ranked
15 last of the eight -- or the seven areas that are
16 being considered for leasing. And this is in terms
17 of fixed carbon per unit area per year.

18 And my -- I have -- my concern is that to
19 someone who doesn't really understand the biology of
20 the area, they would look at this and say, well,
21 nothing happens here, we go ahead and lease it
22 without any environmental consequences. So my first
23 question is how is this table used? And then I have
24 a comment about how the calculations were done. But
25 how is this table used to -- to make decisions

1 about oil and gas --

2 MR. BENNETT: This information is required as
3 part of up the OCS Lands Act and is provided to the
4 Secretary in making his decision and the
5 recommendation that we provide to him.

6 MR. GEORGE: Okay. And how is the information
7 used? Is it used in the sense that I've just
8 suggested, that an area that ranks low in primary
9 productivity would, therefore, be an area that you
10 might be more likely to lease because it's less
11 productive?

12 MR. BENNETT: How -- that's one factor in -- in
13 how the Secretary arrives at his decision. I can't
14 answer your question with regard to specifically how
15 that particular set of information is used.

16 MR. GEORGE: Okay. Well, I've looked into this
17 some. And I think we will submit comments and I
18 won't go into this, but we will provide an analysis
19 that we've done looking at the Arctic seas. And I
20 think what you'll find is that comparing what's
21 going on oceanographically with the Arctic oceans or
22 seas, with temperate oceans, is probably like
23 comparing apples and oranges.

24 One, the Arctic seas are highly seasonable --
25 highly seasonal, rather, and protect -- production

1 is actually on -- on a scale equal to some of the
2 more highly productive temperate oceans, but on a
3 shorter time period. So if you did consider using
4 the units that are used here the fixed carbon per
5 cubic meter, if they are extrapolated out to an
6 entire year, they would, you know, they would
7 actually be rated quite high.

8 And the other thing that's unique here is
9 that -- is that this area here in the Bering Strait
10 is one of the most biologically productive areas in
11 the world apparently in terms of fixed carbon. And
12 this is all affected up the coast. So it
13 complicates the, the map. In other words, down here
14 there's -- this hugely productive region, which does
15 rank high in that table, and it gets -- it gets
16 transported north. And here it -- the recent work
17 that's been done by the NSF group, it looks like
18 there's a -- there's an eddy here and a lot of that
19 production is then, like the thousands that are
20 transported north eddy out and they're available for
21 feeding and that's why the highest densities in the
22 MMS surveys for bowheads occur in here.

23 Anyway, and I'm going into a lot of detail, but
24 it -- it just makes it very difficult to interpret
25 that table. And I hope that that table's not being

1 used to say, well, you know, this is a nonproductive
2 area and therefore would not be an area that there
3 would be large consequences if, in fact, it was
4 leased.

5 So thanks for your time. Thanks for coming up.
6 And you've heard a lot tonight. I think I'll end my
7 comments there. Thank you.

8 MR. BENNETT: Can I just -- just to the last two
9 speakers, we would appreciate a specific comment
10 that you had mentioned that you think we need to
11 address and a specifically with regard to the marine
12 productivity calculation, we would very much
13 appreciate your thoughts on.

14 MR. GEORGE: Yeah, I'll send it. By the way, my
15 name is Craig George.

16 MR. COWLES: Anybody else that would like to
17 comment? Okay.

18 I would like to express our thanks to all of
19 you. We know the special effort that you take to
20 come and present these ideas and comments and
21 thoughts as time has progressed over the years. And
22 it's been to our benefit. And we think this is very
23 important to these documents and the decisions that
24 MMS and the Department of the Interior make. So
25 thank you once again for comments.

(Whereupon, the hearing was concluded.)

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REPORTER'S CERTIFICATE

I, Britney E. Chonka, Court Reporter, hereby
certify:

That I am a Court Reporter for Alaska Stenotype
Reporters and Notary Public in and for the State of
Alaska at large. I certify Hereby that the forgoing
transcript is a true and correct transcript of said
proceedings taken before me at the time and place stated
in the caption therein.

I further certify that I am not of counsel to
either of the parties hereto or otherwise interested in
said cause.

In witness whereof, I hereunto set my hand and
affix my official seal this 12th day of December, 2006.

BRITNEY E. CHONKA, REPORTER

Notary Public - State of Alaska